



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

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: March 21, 2019

To: Humboldt County Zoning Administrator  
From: Cliff Johnson, Supervising Planner  
Subject: **Sunnyside Farms, LLC, Special Permit**  
Application Number: 12937  
Case Number: SP16-690  
Assessor's Parcel Numbers: (APNs) 212-011-005, 212-012-002, and 212-011-006

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Please contact Liza Welsh, Planner, at (707) 445-7541, or by email at [lwelsh@co.humboldt.ca.us](mailto:lwelsh@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

|                                       |                                  |                              |
|---------------------------------------|----------------------------------|------------------------------|
| <b>Hearing Date</b><br>March 21, 2019 | <b>Subject</b><br>Special Permit | <b>Contact</b><br>Liza Welsh |
|---------------------------------------|----------------------------------|------------------------------|

**Project Description:** A Special Permit for 7,200 square feet of existing outdoor cannabis cultivation grown in full sun cultivation areas and in hoop houses. Irrigation water is sourced from a point of diversion on a neighboring parcel APN 212-011-006, which shares a property owner. This Special Permit will authorize the point of diversion. Water is stored in 26 hard tanks with a total of 86,500 gallons. Water is delivered to the cannabis plants via a drip irrigation system with ½" emitters. The applicant estimates that 80,850 gallons are used annually for cannabis irrigation (or 5.61 gallons per square foot per cultivation cycle). Processing is proposed onsite within an existing structure. Power is provided by an existing solar system with a generator backup. A maximum of three seasonal employees will work on the parcel per year, and the applicant anticipates two cultivation cycles per year.

**Project Location:** The project is located in the Redway area, on the west side of Road CC Rd, approximately 1.2 miles north from the intersection of Road CC Rd and Seely Creek Road, on the property known to be in Section 28, 29, 32, & 33 of Township 3S, Range 3E, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Residential Agriculture (RA), 2017 General Plan, Density: 40 acres per dwelling unit, Slope Stability: Moderate Instability (3)

**Present Zoning:** Unclassified (U)

**Case Number:** SP-16-690

**Application Number:** 12937

**Assessor Parcel Numbers:** 212-011-005, 212-012-002, and 212-011-006

**Applicant**  
Sunnyside Farms, LLC  
Cecelia Lanman  
PO Box 1817  
Redway, CA 95560

**Owner**  
Hal Hale Tr  
PO Box 1817  
Redway, CA 95560

**Agent**  
AgDynamix  
Teisha Mechetti  
PO Box 3255  
Eureka, CA 95502

**Environmental Review:** An addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration pursuant to Section 15164 of the CEQA Guidelines.

**State Appeal Status:** The proposed cultivation area is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

**Major Issue:** None.

**Sunnyside Farms, LLC**  
Case Number: SP-16-690  
Assessor's Parcel Number (APN): 212-011-005

**Recommended Zoning Administrator Action:**

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

*Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Sunnyside Farms, LLC, Special Permit subject to the recommended conditions.*

**Executive Summary**

The proposed Special Permit would allow the operation of an existing commercial cannabis cultivation operation consisting of 7,200 square feet of outdoor cannabis cultivation and appurtenant nursery and processing facilities on a 38.54-acre parcel and a 36.76-acre parcel (assessed lot sizes). The project takes place on two APNs with mixed meadow and second-growth forest features, APN 212-011-005 and APN 212-012-002. Together the two assessor parcels constitute one legal parcel. A review of historic imagery on Google Earth Pro indicates that in 2015, there was 8,110 square feet of outdoor cannabis cultivation on the two parcels. Cultivation occurred on graded flats within the current cultivation area footprint. Conditions of approval require the applicant to obtain all required permits for the graded flats. To do so, the applicant must submit a R-2 soils report and a grading plan by an engineer for all unpermitted grading that occurred on the parcel.

At the applicant's request, an Interim Permit was executed on 04/12/2018 for 7,200 square feet of existing outdoor cannabis cultivation. Cannabis cultivation occurs in two discrete premise areas on the southeastern end of APN 212-012-002 and on the eastern end of APN 212-011-005. The structures within the cultivation premises are as follows:

| Cultivation Area or Structure | Size (sq ft)             |
|-------------------------------|--------------------------|
| <b>APN 212-012-002</b>        |                          |
| Hoop House #1                 | 514 square feet          |
| Hoop House #2                 | 1,466 square feet        |
| Outdoor Cultivation Area      | 520 square feet          |
| Outdoor Cultivation Area      | 100 square feet          |
| <b>Total:</b>                 | <b>2,600 square feet</b> |
| <b>APN 212-011-005</b>        |                          |
| Hoop House #3                 | 1,234 square feet        |
| Hoop House #4                 | 910 square feet          |
| Hoop House #5                 | 770 square feet          |
| Hoop House #6                 | 707 square feet          |
| Outdoor Cultivation Area #1   | 220 square feet          |
| Outdoor Cultivation Area #2   | 140 square feet          |
| Outdoor Cultivation Area #3   | 459 square feet          |
| Outdoor Cultivation Area #4   | 160 square feet          |
| <b>Total:</b>                 | <b>4,600 square feet</b> |
| <b>Total Both Premises:</b>   | <b>7,200 square feet</b> |

APN 212-011-005 also contains a nursery greenhouse. It is 20' X 24' or 480 square feet. No flowering plants will be located in the nursery greenhouse. The applicant shall use escape shielding over the greenhouse whenever supplemental lighting is used between sunrise and sunset in accordance with International Dark Sky Standards.

In addition, APN 212-012-002 contains a storage shed used for fertilizer and agricultural chemical storage ancillary to the cannabis cultivation operation (est 2012) and a cannabis destruction and composting area. APN 212-011-005 contains two storage sheds used for chemical storage, soil amendments and other cultivation-related materials (est 2005 and 2015), a harvest and drying shed (est 1973), and a garden tools shed (est 2015). As conditions of project approval, the applicant shall obtain the appropriate permits from the Building Department for the hoop houses, an existing solar array, any water tanks greater than 5,000 gallons, and all sheds and storage structures over 120 square foot that have a nexus to the cannabis land use. The subject parcels are also developed with a treehouse residence and a yurt with a detached bathroom and kitchen. These structures are not used for cannabis cultivation.

The water source for irrigation is a diversion from a Class II stream on an adjacent parcel owned by the same property owner, APN 212-011-006. The unnamed spring in an area known as Idiot Gulch is a tributary to Legget Creek, a tributary to the South Fork of the Eel River. The water diversion occurs through a polyethylene pipe with a fish screen that gravity feeds water to rigid storage tanks. 89,000 gallons of water are diverted and stored annually, consisting of 80,850 gallons designated for cannabis irrigation and 8,150 gallons designated for fire suppression. All diversion occurs outside of the forbearance period. Conditions of project approval require the applicant to file a nonexclusive easement for access to and storage of water from APN 212-011-006. This Special Permit authorizes this point of diversion. Staff finds that it is accompanied by the required documentation and that the point of diversion is not posing harm to the watercourse or to wildlife. A Right to Divert and Use Water is on file for this point of diversion (H100070).

Water is stored in a total of 26 hard tanks totaling 86,500 gallons. APN 212-011-005 has 21 tanks that are 2,500 gallons each and one pioneer tank that is 24,000 gallons. APN 212-012-002 has four tanks that are 2,500 gallons each. A Small Domestic Use Registration is on file for the household and fire suppression uses of this water sourced from surface diversion. A Small Irrigation Use Registration is included with the Right to Divert and Use Water filed for the project. The applicant is required to secure the appropriate permits for the 2,400 gallon pioneer tank. To do so, they must first submit an engineered foundation plan for the tank.

The applicant anticipates two outdoor harvests per year. Water is delivered to the cannabis plants via a drip irrigation system with ½" emitters. The applicant estimates that 80,850 gallons are used annually for cannabis irrigation (or 5.61 gallons per square foot per cultivation cycle). 57,000 gallons are used on APN 212-011-005 and 23,850 gallons are used on APN 212-012-002. The applicant has registered as a Tier 2 discharger under Order No. R1-2015-0023 via Pacific Watershed Associates (WD ID# 1B161464CHUM). A Water Resource Protection Plan (WRPP) has also been developed for the parcel (PWA 180101060403-51540). It recommends corrective actions to address erosion control, drainage features, stream crossing maintenance, and water conservation measures. An application for a Lake and Streambed Alteration Agreement with California Department of Fish and Wildlife (CDFW) is included in the project file. It will authorize the point of surface water diversion and the installation of flow meters to monitor and record water use. It will also authorize the replacement of 4 culverts on the subject parcels to accommodate a 100-year stream flow and associated debris. The applicant is required to submit a copy of the issued Lake and Streambed Alteration Agreement once it becomes available.

Power to the subject parcel is provided by an existing solar power system. A backup generator

may be used in emergencies. It is stored in the shed that contains soil amendments and other garden equipment. The applicant's Water Resource Protection Plan states that all fuels and agricultural chemicals were found to be appropriately stored inside covered storage sheds with secondary containment. Ongoing conditions for the project require that noise levels produced by generators, fans, and other noise sources be at 50 decibels or lower as measured at 100 feet from the noise source or at the edge of habitat, whichever is closer.

Drying, storage, and processing of cannabis occur in an existing detached garage on APN 212-011-005. This proposed processing building will also serve another project operated by the applicant, SP16-693 (#12941) The applicant will be required to ensure that the building meets commercial standards and to obtain a commercial building permit for the space. A maximum of three seasonal employees will work on the site. Materials provided by the applicant state that they will carpool to the site and will reduce unnecessary trips to town to reduce impact on the access roads. Currently, there are two composting outhouses available for employees, one on each parcel. The project was reviewed by the Department of Environmental Health and they recommended approval with the condition that the applicant must obtain permits for, or abandon and remediate, all composting outhouse toilets. All plumbed structures with drains, including but not limited to yurts, sheds, kitchens, or residences must be connected to an approved Onsite Wastewater Disposal System (OWTS). The processing building must also be connected to an approved OWTS. The applicant will have two years from the date of project approval to ensure that this condition is met. The applicant reserves the right to use portable toilets and process off site at a third party facility should that prove more feasible. If portable toilets are used, the applicant shall submit receipts demonstrating the presence of the portable toilets and that they are sufficient to meet the needs of staff on the subject parcels.

The subject parcels are located in a rural residential neighborhood and are accessed via Seely Creek Road, a community maintained road that connects to Briceland Road. To reach the subject parcels from Briceland Road, a vehicle must pass through four locked gate. The residents are members of the Seely Creek Road Association and maintain the road collectively. They also operate a neighborhood watch program. The Road Evaluation Report provided by the applicant states that Seely Creek Road has the functional capacity of a Category 4 Road Standard. Public Works referral comments require that the applicant pave the access road apron at the point where it intersects with a County-maintained road segment for a minimum width of 20 feet and a length of 50 feet. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County-maintained right of way. This 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. If appropriate, the applicant may work with other applicants using the same access road to pool costs for road improvements.

A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the project has the potential to affect sensitive fish and wildlife resources. The following table describes mapped species and their distance from the project site:

| Species  | Status               | Proximity   |
|--|----------------------|---|
| Northern Spotted Owl ( <i>Strix occidentalis caurina</i> ) | CESA Threatened      | .21 miles (spotting)<br>.48 miles (activity center) |
| Golden Eagle ( <i>Aquila chrysaetos</i> )                  | CDFW Fully Protected | 1.5 miles   |

The California Department of Fish and Wildlife reviewed the project and recommended conditional approval. The conditions recommended by the agency are included as ongoing conditions of approval and include: a prohibition on synthetic netting, that the applicant leave wildlife unharmed, that all refuse be contained in wildlife proof storage containers at all times.

Additionally, the applicant must adhere to noise attenuation measures including housing for all generators. Overall noise levels must be at no more than 50 decibels as measured from 100 feet away from the noise source or at the edge of habitat, whichever is closer. The project has also been reviewed by the California Department of Forestry and Fire Protection (CalFire). The agency did not have any concerns about Resource Management or timber removal on the site.

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

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

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

**Resolution Number 19-**

**Case Number: SP16-690**

**Assessor's Parcel Numbers: 212-011-005, 212-012-002, and 212-011-006**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Sunnyside Farms, LLC, Special Permit request.**

**WHEREAS**, Sunnyside Farms, LLC submitted an application in support of approving the Special Permit to authorize an existing cannabis cultivation site consisting of 7,200 square feet of existing outdoor cannabis cultivation grown in full sun cultivation areas and in hoop houses.

**WHEREAS**, Sunnyside Farms, LLC submitted evidence for approval of an encroachment into the County's Streamside Management Area for a point of diversion from an unnamed spring on APN 212-011-006.

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

**WHEREAS**, The County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. 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**, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP16-690); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on March 21, 2019.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number SP16-690 based on the submitted substantial evidence; and
3. Special Permit Case Number SP16-690 is approved as recommended and conditioned in Attachment 1.

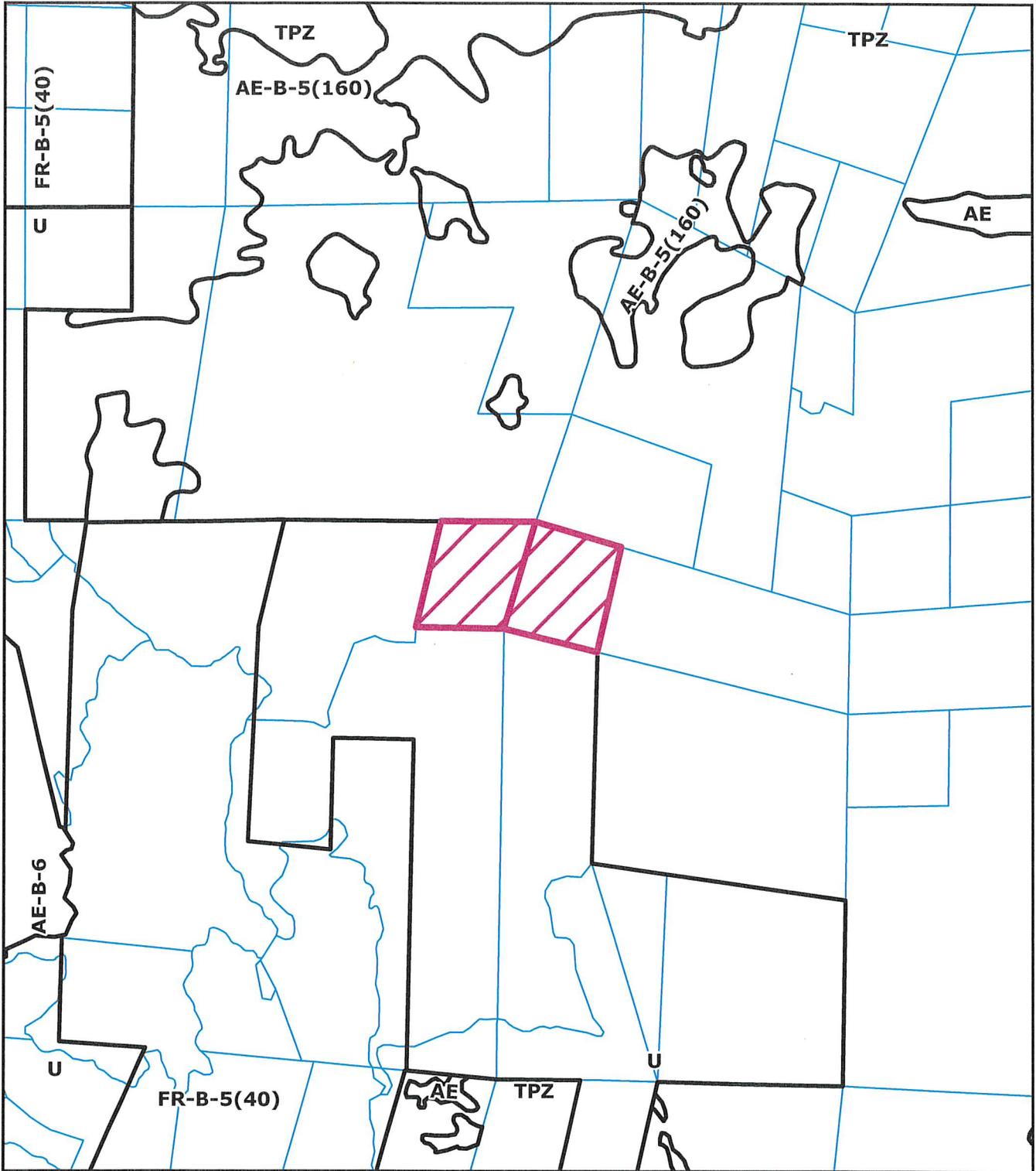
Adopted after review and consideration of all the evidence on March 21, 2019.

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

Administrator at a meeting held on the date noted above.

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John Ford  
Zoning Administrator  
Planning and Building Department



**ZONING MAP  
 PROPOSED SUNNYSIDE FARMS, LLC., CECILIA LANMAN  
 REDWAY AREA  
 SP-16-690**

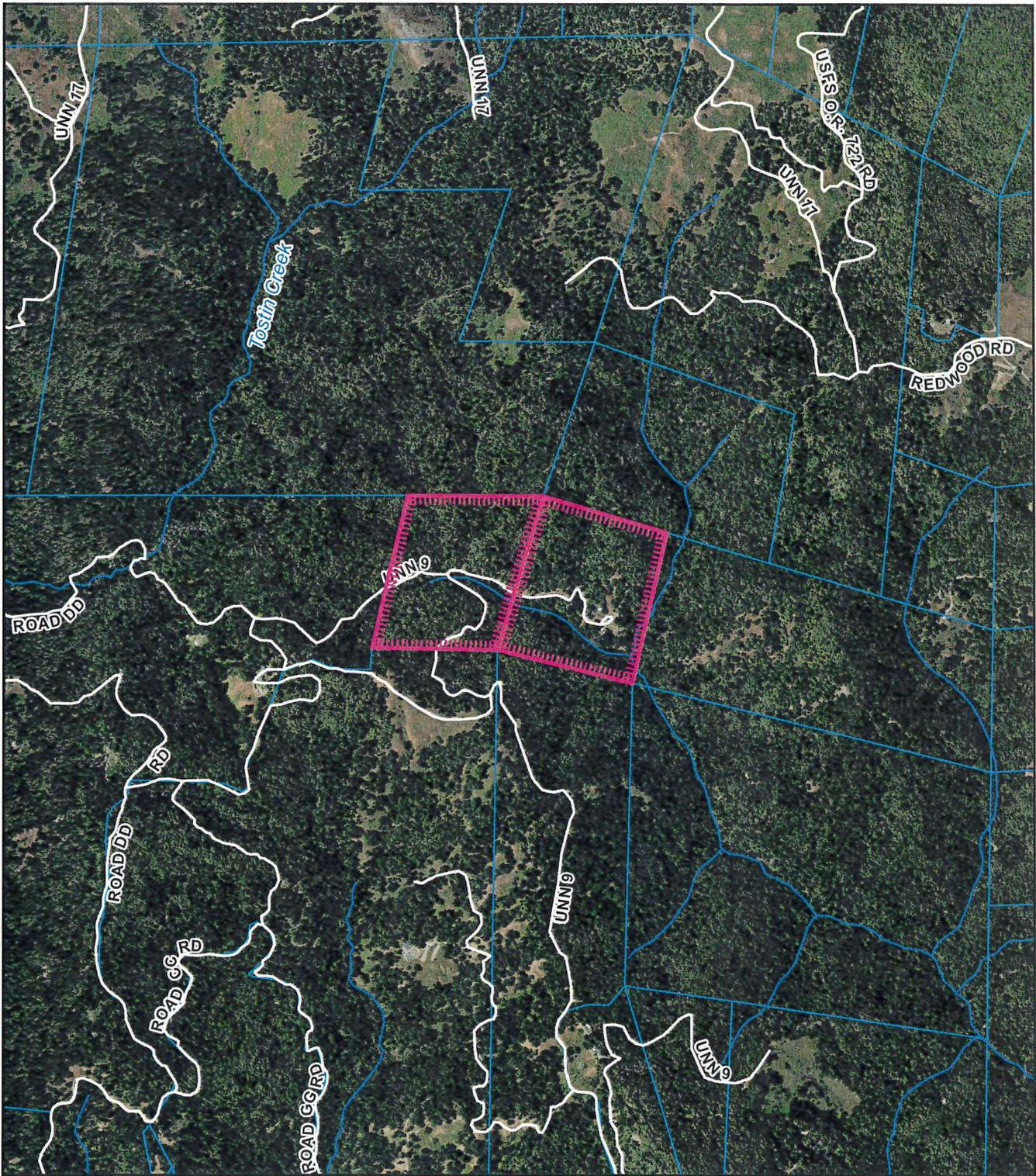
Project Area = 

**APN: 212-011-005-000; ET AL.  
 T03S R03E S29; S28; S32; S33 HB&M (MIRANDA)**



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.





**AERIAL MAP  
 PROPOSED SUNNYSIDE FARMS, LLC., CECILIA LANMAN  
 REDWAY AREA**

Project Area = 

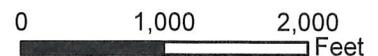
**SP-16-690**

**APN: 212-011-005-000; ET AL.**

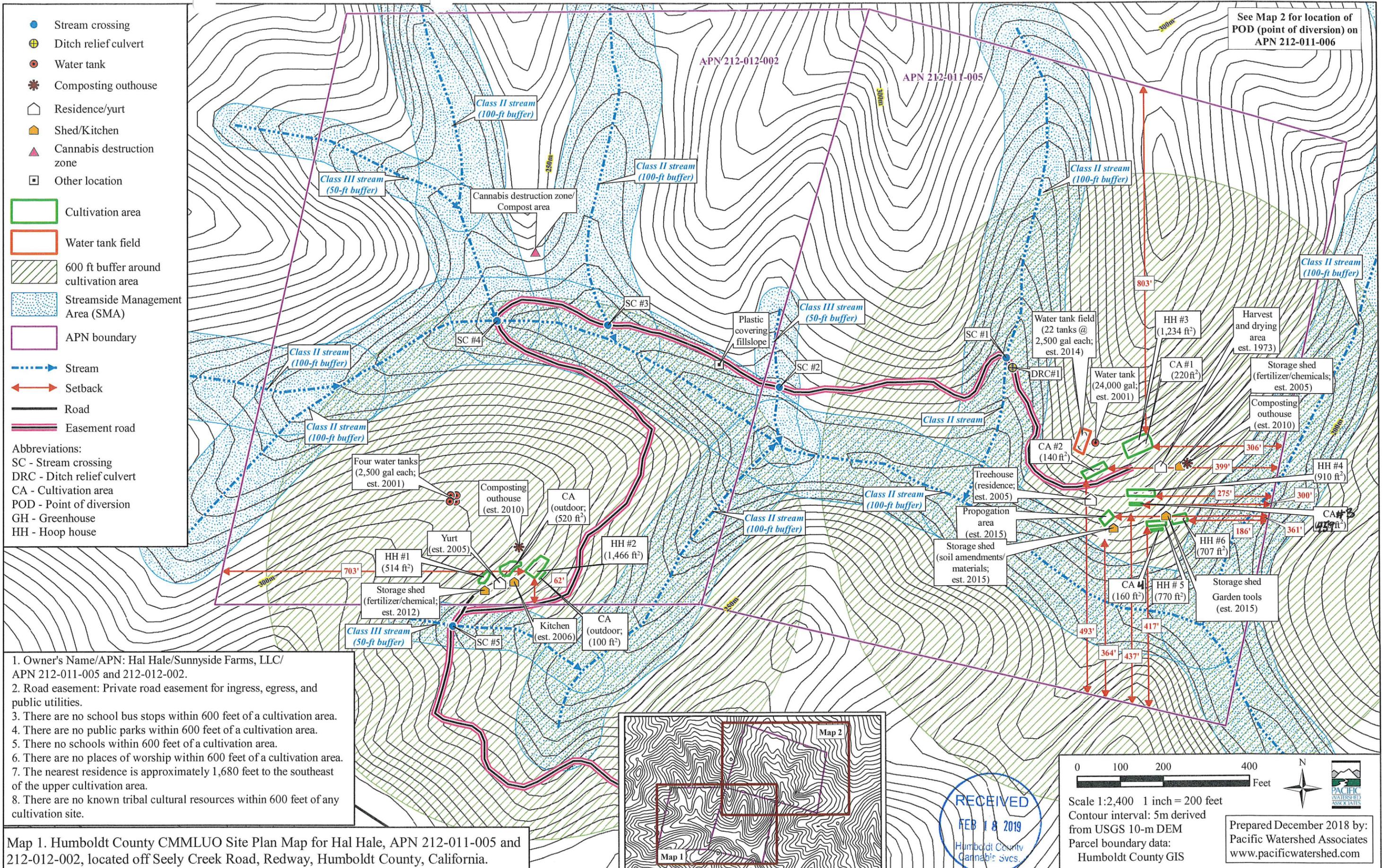
**T03S R03E S29; S28; S32; S33 HB&M (MIRANDA)**



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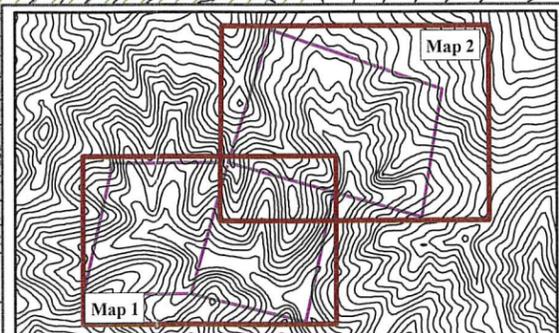




See Map 2 for location of POD (point of diversion) on APN 212-011-006

1. Owner's Name/APN: Hal Hale/Sunnyside Farms, LLC/ APN 212-011-005 and 212-012-002.
2. Road easement: Private road easement for ingress, egress, and public utilities.
3. There are no school bus stops within 600 feet of a cultivation area.
4. There are no public parks within 600 feet of a cultivation area.
5. There are no schools within 600 feet of a cultivation area.
6. There are no places of worship within 600 feet of a cultivation area.
7. The nearest residence is approximately 1,680 feet to the southeast of the upper cultivation area.
8. There are no known tribal cultural resources within 600 feet of any cultivation site.

Map 1. Humboldt County CMMLUO Site Plan Map for Hal Hale, APN 212-011-005 and 212-012-002, located off Seely Creek Road, Redway, Humboldt County, California.



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Cannabis Svcs

0 100 200 400 Feet

Scale 1:2,400 1 inch = 200 feet  
Contour interval: 5m derived from USGS 10-m DEM  
Parcel boundary data: Humboldt County GIS

Prepared December 2018 by:  
Pacific Watershed Associates  
www.pacificwatershed.com

**ATTACHMENT 1**  
**Recommended Conditions of Approval**

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2-#16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including the hoop houses, a nursery greenhouse, a commercial processing building, existing solar power system, any water tanks with a capacity greater than 5,000 gallons, and storage sheds or outbuildings greater than 120 square feet. The structures shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State, Federal, and local regulations of building standards, including those related to slope stability, ground shaking, and geologic risk. A letter or similar communication from the Building Division verifying that all structures related to cannabis cultivation are permitted will satisfy this condition.
3. The applicant shall secure permits for all graded areas on the parcel. In order to do so, they shall submit a R-2 soils report and a grading plan prepared by an engineer for all graded areas. The graded areas shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State, Federal, and local regulations of building standards, including those related to slope stability, ground shaking, and geologic risk. A letter or similar communication from the Building Division verifying that all graded areas are permitted will satisfy this condition.
4. The applicant shall obtain permits for the 24,000 gallon water tank on the subject parcel from the Building Department. To do so, they will be required to first submit an engineered foundation plan for the tank. A letter or similar communication from the Building Division verifying that the tank is permitted will satisfy this condition.
5. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
6. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. The applicant shall file a nonexclusive easement for access to and storage of water from APN 212-011-006.

8. The applicant shall contact the local fire service provider [Briceland Fire Protection District for APN 212-012-002 and Miranda Fire Response Area for APN 212-011-005 and APN 212-011-006] and shall furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
9. The County road has a paved surface at the location of the applicant's access road. The intersection between the access road and the County-maintained road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This 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.
10. All driveways and private road intersections onto the county Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
11. The applicant shall demonstrate that the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance.
12. The applicant must obtain permits for, or abandon and remediate, all composting outhouse toilets. All plumbed structures with drains, including but not limited to yurts, sheds, kitchens, residences, etc. must be connected to an approved onsite wastewater disposal system (OWTS).
13. The proposed nursery, shall comply with International Dark Sky Association standards for Lighting Zone 0 or Lighting Zone 1, as applicable, 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. No mixed-light is authorized for the nursery by this permit until the greenhouse can be demonstrated to comply with this standard.
14. The applicant shall adhere to the Water Resource Protection Plan (WRPP) prepared by Pacific Watershed Associates (PWA ID#180101060403-51540) for the subject parcel and shall implement all corrective actions prescribed therein pursuant to the State Water Resources Control Board's Cannabis General Order 2017-0023-DWQ and meeting previous requirements for Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Cultivation Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. 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 NCRWQCB. A letter or similar communication from the

NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board].

15. The applicant shall submit an issued copy of their Lake and Streambed Alteration Agreement once it becomes available.
16. Prior to initiating commercial cannabis cultivation or associated activities the property owner 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 Humboldt County Code and available at the Planning Division.

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as 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 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. An existing solar array provides power for project operations, but in the event that a backup generator is used in the case of power outage, a noise containment structure shall be used with the generator. The noise produced by said generator shall not be audible by humans from neighboring residences. The decibel level for generators measured at 100 feet from the generator shall be no more than 50 decibels. Sound levels must show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.
4. The nursery shall only contain immature or otherwise non-flowering cannabis plants. The plants raised in the nursery shall only be used for cultivation on the subject parcel. No vending or transfer of immature plants to third parties is authorized through this permit.
5. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation and Operations Plan, the Water Resource Protection Plan, 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.
6. 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.
7. 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 towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

8. 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.
9. 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.
10. 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 County Code Section 55.4.11(d).
11. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
12. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
13. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
14. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
15. Pay all applicable application, review for conformance with conditions and annual inspection fees.
16. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
15. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
16. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products

without welded weaves to minimize the risk of ensnaring and strangling wildlife.

17. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
18. All refuse shall be contained in wildlife proof storage containers, at all times, and shall be disposed of at an authorized waste management facility.

**Performance Standards for Cultivation and Processing Operations:**

19. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
21. Cultivators engaged in processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
22. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 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.
  - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

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

23. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
  - ii. Location where processing will occur.
  - iii. Number of employees, if any.
  - iv. Employee Safety Practices.
  - v. Toilet and handwashing facilities.
  - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - vii. Drinking water for employees.
  - viii. Plan to minimize impact from increased road use resulting from processing.
  - ix. On-site housing, if any.

24. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire one (1) year after the 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.

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

25. 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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and

(3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

26. 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:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Cannabis.

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

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #24 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be

contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

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

**ATTACHMENT 2**  
**Staff Analysis of the Substantial Evidence Supporting the Required Findings**

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

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

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

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

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

| Relevant Plan Section(s)   | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding  |
|--|--|--|
| <p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p> | <p>Residential Agriculture (RA): Lands used for large lot residential uses that typically rely upon on-site water and wastewater systems. Allowable land uses vary and include residential, cottage industry, bed and breakfast inns, community assembly, neighborhood commercial, non-commercial recreation, office and professional, private institution, general and intensive agriculture, stables and kennels, timber production, fish and wildlife management, essential services, and similar compatible uses.</p> <p>Density range is 40 acres per unit.</p> | <p>The proposed project includes 7,200 square feet of outdoor commercial cultivation in hoop houses and in full sun areas and appurtenant storage and processing buildings on two parcels that constitute one legal parcel. The subject parcels are designated Residential Agriculture Forty Acres Per Unit (RA-40). General and intensive agriculture are allowable use types for this designation.</p> |

| Relevant Plan Section(s) | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding  |
|--------------------------|---|--|
| Circulation Chapter 7    | <p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p> | <p>The project site is located in the Redway area, on the west side of Road CC Rd, approximately 1.2 miles north from the intersection of Road CC Rd and Seely Creek Road. It is accessed from Seely Creek Road, which is maintained by the Seely Creek Road Association. A Road Evaluation Report was prepared for Seely Creek Road from its intersection with Briceland Thorne Road to the project site, near the split of Seely Creek Road and Skyline Road at mile 2.1. The Road Evaluation states that the road has the functional capacity of a Category 4 Road Standard (a roadway that is generally 18-20 feet wide but has pinch points which narrow the road and require oncoming vehicles to stop and wait for the other vehicle to pass).</p> <p>The project was reviewed by the Public Works Department, which recommended conditional approval with the request that the applicant ensure that the intersection of the community-maintained road segment and the County-maintained road segment is paved for a minimum width of 20 feet and a length of 50 feet. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right-of-way. Completion of the work by the applicant is included as a Condition of Approval and the applicant will have two years to make the requested improvements. Should they choose to do so, the applicant may work with other applicants along their haul route to split the costs of implementing these required improvements.</p> |

| Relevant Plan Section(s)   | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|--|---|
| Housing Chapter 6  | <p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>  | <p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with Housing Element law.</p>   |
| <p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>           | <p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p> | <p>The project site is within or near a land use designation or zoning classification identified for the Local Open Space Plan, and the proposed development is consistent with the Plan. The subject parcels are large at 38.54 acres and 36.76 acres in assessed lot sizes. Development is concentrated around a cultivation premise on each parcel and both premises have an area of less than three acres in size. The rest of the land comprising the subject parcels is preserved as wooded open space. There are undisturbed buffers between the cultivation areas, property lines, and surface water features on the parcels.</p> <p>The project also involves a point of diversion located on a Class II watercourse in Idiot Gulch on APN 212-011-006. This is the only facility on the 65 acre parcel (assessed lot size).</p> <p>(See Biological Resources Section 10.3 for additional discussion).</p> |
| <p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p> | <p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p>  | <p>The California Natural Diversity Database (CNDDDB), as viewed with County WebGIS indicates that there are no mapped species on the subject parcels with cannabis cultivation areas, APN 212-011-005 and APN 212-012-002. The Golden Eagle (<i>Aquila chrysaetos</i>), a CDFW fully protected species, is mapped on a parcel within 1.5 miles of the cultivation site on APN 212-012-002. That cultivation site is approximately .48 miles from a Northern Spotted Owl (<i>Strix occidentalis caurina</i>) activity center and approximately .21 miles from a mapped Northern Spotted Owl siting. The cultivation area on APN 212-011-005 is .25</p>  |

| Relevant Plan Section(s) | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--------------------------|---|---|
|                          | <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p> | <p>miles from another Northern Spotted Owl siting. Additionally, there is a siting dating from the year 2000 on the adjacent parcel to the north of the subject parcels where the applicant's point of stream diversion is located. The stream diversion does not include noise sources and it is the only development on APN 212-011-006.</p> <p>The proposed project on APN 212-012-002 and APN 212-011-005 is existing cultivation with power provided by solar. The applicant shall adhere to noise attenuation measures including housing for all backup emergency generators. Overall noise levels shall be at no more than 50 decibels as measured from 100 feet away from the noise source, or at the edge of habitat, whichever is closer. Due to minimal construction activities and lack of regular use of potentially disturbing equipment, project activities are not anticipated to impact Northern Spotted Owls.</p> <p>The subject parcels contain Class II and Class III streams that are tributaries to Legget Creek, a tributary to the South Fork of the Eel River. There are no cultivation areas or structures within the Streamside Management Areas (SMAs) for these watercourses, apart from the point of water diversion on APN 212-011-006. The project file includes an application for a Lake and Streambed Alteration Agreement for the point of diversion. Conditions of approval require the applicant to submit a copy of the issued agreement once it becomes available.</p> <p>The project was recommended for conditional approval by the California Department of Fish and Wildlife. The conditions recommended by the agency are included as ongoing conditions and include: a prohibition on synthetic netting, that the applicant leave wildlife unharmed, and that all refuse be contained in wildlife proof storage containers at all times. The project has also been reviewed by California Department of Forestry and Fire Protection (CalFire) and the agency had no specific concerns about the project as proposed.</p> |

| Relevant Plan Section(s)   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding  |
|--|---|--|
| <p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p> | <p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p> | <p>The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area.</p> <p>Archaeological Research and Supply Company visited the parcel and prepared a Cultural Resource Study in October, 2018. The study found that the proposed project will have no impact to historic or cultural resources. The Bear River Band of the Rohnerville Rancheria reviewed the draft report prior its submittal to the County. They were also sent the final report by the County. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p> |

| Relevant Plan Section(s)                                     | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding  |
|--|---|--|
| <p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p> | <p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p> | <p>The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. A Water Resource Protection Plan (WRPP) has been prepared by Pacific Watershed Associates (PWA ID#180101060403-51540). The WRPP found that roads within the project site are maintained, rock surfaced properly with Class 2 aggregate base (or comparable) and mostly stable, but that all roads lacked sufficient drainage structures to effectively disperse flow and minimize hydrologic connectivity. The WRPP recommended that the applicant install permanent road drainage structures as necessary and feasible to shape the road surface (such as rolling dips) and drain the inside ditch (ditch relief culverts) wherever there is surface erosion (rilling), road surface rutting, poor drainage, or the discharge of surface runoff near or into a stream channel. It also requires the applicant to identify and map legacy logging roads on the subject parcel to ensure that they are not contributing to erosion. The applicant shall also install culverts at four stream crossings sufficient to accommodate 100-year peak streamflow and associated debris.</p> <p>As a condition of approval, the applicant shall adhere to the WRPP and shall implement all corrective actions prescribed therein including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. 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 NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board].</p> |

| <b>Relevant Plan Section(s)</b>                                    | <b>Summary of Applicable Goal, Policy or Standard</b>  | <b>Evidence Which Supports Making the General Plan Conformance Finding</b>  |
|--|--|---|
| <p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p> | <p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p> | <p>The project will require a maximum of three seasonal employees. Processing takes place on site in an existing structure. Currently, there are two composting toilets, one on each of the subject parcels with cultivation areas. The project was reviewed by the Department of Environmental Health and they recommended approval with the condition that the applicant must obtain permits for, or abandon and remediate, all composting outhouse toilets. All plumbed structures with drains, including but not limited to yurts, sheds, kitchens, or residences must be connected to an approved Onsite Wastewater Disposal System (OWTS). The processing building must also be connected to an approved OWTS. The applicant will have two years from the date of project approval to ensure that this condition is met. The applicant reserves the right to use portable toilets and process off site at a third party facility should that prove more feasible.</p> |
| <p>Noise Chapter 13</p>  | <p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>   | <p>The proposed project is for cultivation of cannabis in full sun cultivation areas, for outdoor cultivation in hoop houses, and for a nursery greenhouse. Power to the subject parcel is provided by an existing solar array. A gasoline generator is used for backup power in the case of emergencies. It is kept in a shed to attenuate noise.</p> <p>There are mapped sightings of Northern Spotted Owls on nearby parcels, and on the parcel where the surface water diversion occurs. Ongoing conditions of approvals require that noise levels shall be kept below 50 decibels at 100 feet from the noise source or at the edge of habitat, whichever is closer, for the protection of the Northern Spotted Owls, neighbors, and any other sensitive animal species in the area.</p>  |

| Relevant Plan Section(s)                                       | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|---|---|
| <p>Safety Element Chapter 14</p> <p>Geologic &amp; Seismic</p> | <p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p> | <p>The project site is not located in a mapped Alquist-Priolo fault zone, nor is it subject to liquefaction. The County's GIS shows the site in an area designated as Moderate Instability. The majority of the site is mapped by USGS as having slopes above 15 percent. The cultivation areas are located on unpermitted graded flats. There are mapped historic landslides on the parcel in areas along Legget Creek. No new grading is proposed in this project. As a condition of approval, the applicant shall obtain grading permits from the Building Department for all graded areas on the subject parcels. To do so, they are required to submit a R2 Soils Report and a grading plans prepared by a licensed engineer for each graded areas.</p> <p>The structures associated with the project shall also be reviewed by the County Building Division for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks. The applicant shall obtain the relevant building permits for all existing structures and for any structures or grading that may be proposed in the future.</p> |
| <p>Safety Element Chapter 14</p> <p>Flooding</p>               | <p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>  | <p>According to the Flood Insurance Rate Map (FIRM) Panel No. 0623C1985F (effective 11/4/2016), the project site is not located in a flood hazard area. The project site is not within a mapped dam or levee inundation area and is outside of the 100-year flood area. At approximately 13 miles distance from the coast, the project site is outside the areas subject to tsunami run-up.</p>   |

| Relevant Plan Section(s)  | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding   |
|---|--|---|
| <p>Safety Element Chapter 14</p> <p>Fire Hazards</p>  | <p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p> | <p>The subject property is located in an area designated as a high wildfire risk with a high fire hazard severity. APN 212-012-002 is located within the fire response area for Briceland Fire Protection District. APN 212-011-005 and APN 212-011-006 are located in the fire response area for Miranda Fire Response. All of the subject parcels are also within the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires.</p> <p>Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas. Compliance with these requirements has been incorporated as a condition of approval. Cal Fire reviewed the project, provided their standard comments regarding Fire Safe compliance, resource management, and cannabis cultivation. Cal Fire had no specific concerns about resource management or timber conversion on the subject parcel.</p> <p>There will be up to three seasonal employees on site. Fire protection is included in the listed uses of the water diverted and stored from the point of stream diversion on APN 212-011-006. 8,150 gallons are diverted and stored annually for fire suppression.</p> |
| <p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p> | <p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>                | <p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Briceland Fire Protection District for APN 212-012-002 and Miranda Fire Response Area for APN 212-011-005 and APN 212-011-006]] and to furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>   |

| <b>Relevant Plan Section(s)</b> | <b>Summary of Applicable Goal, Policy or Standard</b>  | <b>Evidence Which Supports Making the General Plan Conformance Finding</b>   |
|---------------------------------|--|--|
| Air Quality Chapter 15          | <p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p> | The project is an existing operation. There is no proposed construction or grading. The project was referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation and no comments were received. If any future construction or grading is proposed, dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. |

**2. Zoning Compliance and 3. Conforms to applicable standards and requirements of these regulations:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

| Zoning Section   | Summary of Applicable Requirement  | Evidence That Supports the Zoning Finding  |
|--|--|--|
| §312-1.1.2<br><br>Legal Lot Requirement                | Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.   | The subject parcels, APN 212-011-005 and APN 212-012-002 together constitute one legal parcel. The legal parcel was first conveyed via deed from Nellie Pardini to Martin Rudolf, December 21, 1948<br><br>There are no terms or conditions that apply to new development on the parcel and there are no violations of Humboldt county Code on the parcel. |
| Unclassified (U):<br>§314-8.1                          | The principal permitted uses in the Unclassified zoning designation are one-family dwelling, general agriculture, rooming and boarding of not more than two people, and manufactured home. | The entirety of the subject parcels are in an area zoned Unclassified (U). The proposed cannabis cultivation use is specifically allowed with a Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.   |
| Minimum Lot Area:                                      | 6,000 square feet  | APN 212-011-005 has an assessed lot size of 38.54 acres.<br><br>APN 212-012-002 has an assessed lot size of 36.76 acres.   |
| Minimum Lot Width:                                     | 50 feet  | APN 212-011-005 – 1,209 feet<br><br>APN 212-012-002 – 1,130 feet   |
| Maximum Lot Depth:                                     | Three times the width  | APN 212-011-005 – 1,391 feet<br><br>APN 212-012-002 – 1,396 feet   |
| Minimum Yard Setbacks:<br><br>Through the SRA Setbacks | Front: 20 feet<br>Rear: 10 feet<br>Side: 5 feet<br><br>SRA: 30 feet all sides  | Front: >30 feet<br>Rear: >30 feet<br>Side: > 30 feet   |
| Minimum Distance Between Major Buildings:              | 20 feet  | Major buildings are greater than 20 feet apart.  |
| Maximum Ground Coverage:                               | < 40%  | < 40%  |
| Max. Building Height:                                  | None specified   | All existing and proposed structures are less than 35 feet tall.   |

| Zoning Section  | Summary of Applicable Requirement   | Evidence That Supports the Zoning Finding  |
|---|---|--|
| <p>§314-61.1<br/>Streamside Management Area (SMA)</p> | <p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of Class I or Class II streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p> <p>The SMA of Class III or intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p> | <p>The County GIS mapping system identifies one Class II watercourse on the subject parcels, a tributary to Legget Creek, a tributary to the South Fork of the Eel River. APN 212-012-002 also contains a Class III ephemeral stream that is a tributary to the aforementioned Class II stream. Another Class III tributary occurs on APN 212-011-005.</p> <p>Per the applicant's Water Resource Protection Plan (WRPP), prepared by Pacific Watershed Associates, the project was evaluated for compliance with a 100' streamside management buffer from Class II streams and a 50' streamside management buffer from Class III streams, as appropriate for Tier 2 dischargers. The report states that, "All cultivation areas and associated facilities are located greater than 50 feet from watercourses... the riparian buffer is undisturbed and intact. The operator does not intend to disturb, modify, or develop the existing riparian buffer within the ownership. The slope buffer is more than adequate as a filter for any errant waste or entrained sediment." No corrective actions were prescribed in the WRPP pursuant to Streamside Management Areas. The WRPP also states that there are five stream crossings on the subject parcels. Four of these crossings need culverts adequate to support 100-year stream flows and associated debris. Registration for Lake and Streambed Alteration Agreement to perform this work is on file.</p> <p>The subject Special Permit allows for a point of water diversion on an unnamed Class II stream in Idiot Gulch on APN 212-011-005. The water diversion occurs through a polyethylene pipe with a fish screen that gravity feeds water to rigid storage tanks. The point of diversion is the only facility on the parcel. The applicant has provided the necessary documentation for the Planning Department to approve this point of diversion, including a Right to Divert and Use Water that includes a Small Irrigation Use Registration, and registration for a Lake and Streambed Alteration Agreement.</p> |

| Zoning Section                      | Summary of Applicable Requirement  | Evidence That Supports the Zoning Finding |
|-------------------------------------|--|---|
| §314-109.1<br>Off-Street<br>Parking | <p>Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required.</p> <p>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</p> | 5 spaces                                  |

**3. Conformance to the Commercial Medical Marijuana Land Use Ordinance:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in 314-55.4, the Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation Ordinance (CMMLUO)

| <b>CMMLUO Section</b> | <b>Summary of Applicable Requirement</b>   | <b>Evidence That Supports the CMMLUO Finding</b>   |
|-----------------------|--|--|
| §314-55.4.8.2         | <p>Outdoor and Mixed-Light Commercial Cultivation of cannabis for medical use shall be allowed in zones in which general agriculture is a principally permitted use or conditional use.</p> <p>Cannabis cultivation is allowed in the U zone on parcels 1 acre or larger and where the General Plan designates the area for Agricultural Development.</p> <p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted with a 3-acre conversion, or non-timberland open area.</p> | <p>The subject parcel is zoned Unclassified (U). General Agriculture is a principally permitted use in U zones. The subject parcel has a General Plan designation of Residential Agriculture Forty Acres per Unit (RA-40-160).</p> <p>There is no historic or proposed timber conversion associated with this project. Cal Fire reviewed the project and found no concerns related to resource management.</p> |

|   |   |  |
|---|---|--|
| <p>§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p> | <p>A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, on parcels zoned U that are 1 acre or larger and where the General Plan designates the area for Agricultural Development. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation. Between 5,000 square feet and 10,000 square feet of existing outdoor cultivation may be authorized with a Special Permit. Cultivation will only be permitted when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance.</p> | <p>The project site features existing cultivation operations in rural Humboldt County on two parcels that together constitute on legal parcel. APN 212-011-005 has an assessed lot size of 38.54 acres and APN 212-012-002 has an assessed lot size of 36.76 acres. Both parcels are zoned Unclassified (U). The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p> <p>A review of historic imagery on Google Earth Pro indicates that in 2015, there was 8,110 square feet of outdoor cannabis cultivation on the two parcels. Cultivation occurred on graded flats within the current cultivation area footprint. At the applicant's request, the subject permit will authorize 7,200 square feet of outdoor commercial cannabis cultivation in hoop houses and in full sun areas, an ancillary nursery, and ancillary storage and processing structures. It will also authorize the water source, a point of diversion from a stream on an adjacent parcel, APN 212-011-006.</p> |
| <p>§314-55.4.8.4 Processing Facilities</p>                                | <p>Processing Facilities for commercial cannabis for other than an appurtenant, on-premises cultivation operation as provided in Section 314-55.4.9.1 shall be a permitted use in zoning district AG, AE, and RA as specified in the CMMLUO and shall meet the Processing Performance Standards and Employee Safety Practices enumerated in Section 314-55.4.11 (q) through (u).</p>  | <p>Harvested cannabis is processed onsite in an existing outbuilding. This permit also authorizes the applicant to process cannabis at an offsite processing facility. The applicant is required to obtain commercial permits for the processing building from the Building Division.</p>  |

|   |   |   |
|---|---|---|
| §314-55.4.8.10<br>Permit Limit                | No more than four commercial cannabis activity permits may be issued to a single person.  | According to records maintained by the Department, the applicant, Sunnyside Farms, LLC has applied for the subject permit and for SP-16-693. The applicant is entitled to four permits. This application is for a single permit for outdoor cultivation.  |
| §314-55.4.10<br>Application Requirements      | Identifies the Information Required for All Applications  | Attachment 4 identifies the information that was submitted with the application and collected after. Contents of the application are on file. All outstanding items are included as conditions of approval.   |
| §314-55.4.11<br>Performance Standards         | Identifies the Performance Standards for Cannabis Cultivation Activities.<br>The area of cannabis cultivation and on-site processing shall be located at least 30 feet from any property line.  | All of the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit. All existing and proposed structures comply with setback requirements.  |
| §314-55.4.11.c<br>Performance Standards-Water | Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration. | <p>The proposed cultivation area is located in the South Fork of the Eel Planning Watershed. Water for irrigation is sourced from a point of stream diversion on APN 212-011-006. The water diversion occurs through a polyethylene pipe with a fish screen that gravity feeds water to rigid storage tanks. Water is then fed to storage tanks on APN 212-011-005 and APN 212-012-002 with a combined total capacity of 86,500 gallons. It is delivered to the plants via a drip irrigation system with ½" emitters. The applicant estimates that 80,850 gallons are used annually for cannabis irrigation (or 5.61 gallons per square foot per cultivation cycle).</p> <p>The point of diversion is authorized by the State Water Board via a Right to Divert and Use Water (H100070). This water right also authorizes storage of the water for the purposes of cannabis irrigation. Registration for a Lake and Streambed Alteration Agreement authorizing the surface water diversion and the installation of flow meters to track water use is included in the project file. The encroachment into Streamside Management Areas for the points of diversion is authorized by the County through the subject Special Permit. As a condition of approval, the applicant shall secure the appropriate permits for all water storage tanks with a capacity greater than 5,000 gallons.</p> |

|  |  |   |
|--|--|---|
| <p>§314-55.4.11.d<br/>Performance Standards-<br/>Setbacks</p>        | <p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>  | <p>The Site Plan and additional materials submitted by the applicant demonstrate that all cultivation facilities are located at least 30 feet from any property line. No schools or school bus stops are located within 600 feet of the cultivation areas. There are no parks as defined in County Code Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. There are no identified places of religious worship within 600 feet.</p>   |
| <p>§314-55.4.11.o<br/>Performance Standards-<br/>Generator Noise</p> | <p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p> | <p>The proposed project is for outdoor cultivation of cannabis in hoop houses and in open air cultivation areas, and for a nursery greenhouse and ancillary storage and processing buildings. Power to the subject parcel is provided by an existing solar array. A gasoline generator is used as a backup power source in the case of emergency.</p> <p>At the request of the California Department of Fish and Wildlife (CDFW), ongoing conditions of approval require the maximum allowable noise exposure level to be 50 decibels or fewer when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Additionally, noise containment structures are required for generators on the parcel.</p> |
| <p>§314-55.4.17<br/>Sunset Date</p>                                  | <p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>  | <p>The applicant submitted their original permit application on December 27, 2016, prior to the deadline.</p>   |

**p4. Public Health, Safety and Welfare.** The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

| Code Section | Summary of Applicable Requirements   | Evidence that Supports the Required Finding   |
|--------------|--|---|
| §312-17.1.4  | The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity. | The Department finds that the proposed project will not be detrimental to the public health, safety and welfare. The project as proposed and conditioned is consistent with the general plan and zoning ordinances. All performance standards are required to be complied with throughout the timeframe of the permit and are included as conditions of approval. |

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

| Code Section                                | Summary of Applicable Requirement   | Evidence that Supports the Required Finding   |
|---|---|---|
| §312-17.1.5<br>Housing Element<br>Densities | The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. | The project would not change the housing development potential of the site or surrounding properties. |

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation. The environmental document on file include detailed discussions of all the relevant environmental issues.

**ATTACHMENT 3**

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

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

*APN 212-011-005, 212-012-002, and 212-011-006, County of Humboldt*

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

**March 2019**

## Background

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

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

The modified project involves a Special Permit for 7,200 square feet of existing outdoor cannabis cultivation grown in full sun cultivation areas and in hoop houses. Irrigation water is sourced from a point of diversion on a neighboring parcel APN 212-011-006, which shares a property owner. The unnamed spring, located in Idiot Gulch, is a tributary to Legget Creek, a tributary to the South Fork of the Eel River. The water diversion occurs through a polyethylene pipe with a fish screen that gravity feeds water to rigid storage tanks. This Special Permit will also authorize the point of diversion in the Streamside Management Area of APN 212-011-006. Water is stored in 26 hard tanks with a total of 86,500 gallons. Water is delivered to the cannabis plants via a drip irrigation system with ½" emitters. The applicant estimates that 80,850 gallons are used annually for cannabis irrigation (or 5.61 gallons per square foot per cultivation cycle). Processing is proposed onsite within an existing garage structure. Power is provided by an existing solar system with a generator backup. A maximum of three seasonal employees will work on the parcel per year, and the applicant anticipates two cultivation cycles per year.

**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 an existing 7,200 square foot commercial cannabis operation and to authorize a point of water diversion 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.

### **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 4

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

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

1. The name, 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. Amended Site plan dated 02/18/2019, showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan and addendums that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights. (Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 2, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file)
9. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre

conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. No timber conversion occurred on the subject parcel and none is proposed. (Not applicable)

10. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
12. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
13. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
14. Copy of the DEH Referral Worksheet. (On file)
15. Road Evaluation Report received 08/27/2018. (Attached)
16. Water Resource Protection Plan prepared by Pacific Watershed Associates, dated March, 2017. (Attached)

February, 2019

ADDENDUM TO OPERATIONS PLAN APPS# PLN-12937

Sunnyside Farms LLC

Sponsor Contact: Cecelia Lanman 707-923-3614



**Executive Summary** (page 11 Operations Plan)

Project Sponsor is Sunnyside Farms, LLC which is a family owned, dual member, for profit, Limited Liability Company whose purpose is to oversee agricultural activities in the State of California. Sunnyside Farms, LLC intends to lease the property to a local land management company.

The Sponsor has applied for a special permit for 7,220 sq ft of pre-existing outdoor cultivation. A temporary license for Speciality Mixed-Light Tier-1 (lic# TML18-00037020) has been obtained from the State of California.

The project is located on APN#'s 212-011-005 and 212-012-002 on 80 acres. The project will utilize an existing non-residential garage structure to support drying and processing activities.

Water is sourced from an offsite Class II stream (Idiot Gulch owned by the project sponsor), located on APN# 212-011-006, that is a tributary to Legget Creek. Water is stored in a total of 26 hard tanks totaling 86,500 gallons. APN #212-011-005 has 21 tanks that are 2500 gallons each and one pioneer tank that is 24,000 gallons. APN #212-012-002 has 4 tanks that are 2,500 gallons each.

Water rights have been granted to the project sponsor under the State Water Board Small Domestic Use ( registration D032297 and certificate D1114) and Small irrigation Use ( registration H501239 and certificate H100070). The project has been enrolled in the NCRWQCB water quality program since May of 2016 and the project sponsor has been filing under the the annual Monitoring and Reporting Program every year. An LSAA has been pending with the CDFW since May 2018.

**Project Overview** (page 12 Operations Plan)

The project features 10 cultivation areas 6 which are long term outdoor cultivation areas and 6 which are hoop houses. The greenhouse is for propagation only. ( see revised site map).

**Mandatory Compliance** (page 24 Operation Plan)

As stated above in the revised Executive Summary all water rights have been obtained. Annual reporting for the ISDU has been filed since 2013. All annual MRP have been filed since enrollment in the NCRWQCB program. A WRPP was created by Pacific Watershed Associates (PWA) after a site visit in 2016 and on going monitoring and a schedule of proposed corrective actions includes meeting all the 12 standard conditions under the NCRWQCB Waiver of Waste Discharge Program.

The LSA agreement has been pending with CDFW since May 2018.

**Archaeological Inspection & Survey** (page 25 Operation Plan)

The draft survey is undergoing some editing and will be available soon. The tribe has signed off after reviewing the survey and has no further concerns.

**Cultivation Plan** (page 28 Operations Plan)

Summary

The interim permit is for 7,220 sq ft of outdoor cultivation in the form of 10 garden areas on 80 acres of U zoning. The cultivation schedule will vary from year to year but the cultivation areas will not change. The areas under cultivation will be serviced with natural light.

There are no hazardous materials used or stored on the project site. Only organic fertilizers, soil amendments physical and biological controls are used for cultivation and pest control. Secondary containment is already used for fertilizers and OMRI approved pest control products.

Small amounts of gasoline needed for weed wackers (for fire reduction and fire safe buffers) pump, rototiller and back up

generator are brought in in small increments and used right away but meanwhile they are also stored in secondary containment. There is an emergency spill kit on site in the event of any spillage.

**Water Resources** (page 29 Operations Plan)

See Executive Summary:

Water is sourced from an offsite Class II stream (Idiot Gulch owned by the project sponsor), located on APN# 212-011-006, that is a tributary to Legget Creek. Water is stored in a total of 26 hard tanks totaling 86,500 gallons. APN #212-011-005 has 21 tanks that are 2500 gallons each and one pioneer tank that is 24,000 gallons. APN #212-012-002 has 4 tanks that are 2,500 gallons each.

The project has already been observing forbearance from water diversion from May 15th to October 31st since the State Water Board passed the emergency drought tank program in 2014.

**Irrigation Plan :**

Project will use drip irrigation with 1/2" emitters. Other water conservation measures are outlined in the WRPP.

**Operational Plan** (page 31 Operations plan, Processing Plan and Project Details page 34)

There will not be any consumer packaging or retail distribution on the project site. The distribution is done through through licensed transporters, processors and distributors. The project is operating under the Track and Trace program operated by the Humboldt County Agricultural Commissioner.

The Sunnyside LLC will lease the property to a local land management company who will be responsible for keeping records. Under the terms of the lease the land management company and the managers will carry out the administrative elements required.

The managers have been trained in the Track and Trace and have all the records on hand to show compliance with all the requirements by Humboldt County and the State of California. They are working closely with the landowner on all aspects of farm management and understand the terms of the permit and license.

The processing (drying, curing, trimming, grading) will occur within the existing non-residential structure. The building is being used to process the agricultural product. It is not a "personal residence" as originally stated in the operations plan.  
Security Plan (page 46 Operations Plan)

**Measures of Security**

The project is located in a rural residential neighborhood. The residents are members of the Seely Creek Road Association who maintain this privately owned road system. They are also part of a neighborhood watch program. The neighborhood has an ongoing interest in watershed restoration and monitoring of the road conditions and traffic. To reach the property a person needs to know the codes for the four locked gates between the property and the turn off on the county Briceland Road.

Neighbors are very aware of road usage. There will not be an increase in road traffic as a result of this project. Seasonal workers carpool and reduce unnecessary trips to town. A road evaluation report was filed with the county on September 4, 2018.

Response to request for more information

Addendum to Operations Plan for Application #12937 for APN's 212-011-005-000 & 212-012-002-000

*Description of site drainage, runoff and erosion control measures:*

In 2016, Pacific Watershed Associates (PWA) was hired to enroll this property under the North Coast Regional Water Quality Control Board's (NCRWQCB) Waiver of Waste Discharge program. A site visit (11/7/2016) and inspection of the property was conducted and a Water Resource Protection Plan (WRPP) was developed (March 2017). The WRPP outlines the 12 Standard Conditions that the NCRWQCB requires the landowner to meet as well as a map depicting the required site elements and features ( figure 2A & 2B pages 7 & 8 ). The map includes contour intervals, stream classifications and crossings. The operations plan maps (pages 20 & 21) depict the slope and stability of the property.

Beginning with page 9 of the WRPP the requirements to meet the 12 Standard Conditions are outlined in detail. There are five stream crossings on the property driveway. The WRPP has identified three culverts that are scheduled for an upgrade to properly sized culverts by October 2020 ( see Table 1 pages 26-28 for corrective action that has been identified to meet the standard conditions ). The other culverts were upgraded in 2005 along with armoring of outflow, installing rolling dips and planting of dozens of native redwood trees.

In the winter, the roads are monitored after large storm events to ensure that where there is a culvert or an inside ditch that they are not blocked with debris and are flowing correctly. The road is well maintained and has adequate rock. The road drainage is dispersed across native forest, hillsides and down through undisturbed riparian buffers. The cultivation areas are on contour with no grading and meet the standard condition for riparian and wetland protection including buffers. Ongoing water conservation measures are being used including storage, forbearance during the dry season and drip irrigation. Rainwater catchment is planned for the future. Metering and monitoring of water use is ongoing.

A Statement of Diversion and Use was submitted in 2014. Annual reporting to the Water Board has been done since 2013. A Small Domestic Use Certificate was obtained in September 2018. A Small Irrigation Use certificate was issued in August 2018. A 1600 LSAA has been filed with the CDFW is awaiting approval.

*Detail of measures to ensure protection of watershed and nearby habitat:*

Even though the property is within the Legget Creek watershed the access is through the Seely Creek and Skyline roads. The residents of Seely Creek have had an ongoing interest in protecting the watershed. Multiple restoration efforts have been made to restore the land and fix legacy issues that were left behind from logging. The neighbors work together through The Seely Creek Road Association to maintain the road, keep it rocked and replace old culverts with properly sized culverts when necessary.

The property is on solar power. There is no disturbance to nearby habitat. There has been no grading or logging of the forest. With the exception of small starts in the spring, there is no artificial lighting. This is an organic farm. No pesticides, herbicides or chemicals are used in this operation. No gasoline is stored at this site and is only used in 10-15 gallons (stored in secondary containment) for small equipment (i.e.: weed wackers to reduce fire danger). Any remediation necessary is outlined in the WRPP (pages 9-29). Ongoing monitoring ( Appendix B and Figure 2 in the WRPP) of the project is occurring to ensure that conditions have not changed. Best management practices are being used to protect water quality.

Addendum to the project description for Apps # PLN -12937 APN's 121-011-005 & 212-012-002:

Water is stored in a total of 26 hard tanks totalling 86,000 gallons . APN 212-011-005 has 21 tanks that are 2,500 gallons each and one pioneer tank that is 24,000 gallons. APN 212-012-002 has 4 tanks that are 2,500 gallons each. Harvesting and drying is on site within a non-residential and garage structure. Power is provided by solar electric system with a generator backup.



ADDENDUM TO OPERATIONS PLAN APPS# PLN-12937

March, 2019

Correction to water diverted and used:

- 89,000 gallons diverted and stored during the rainy months
- 80,850 gallons are designated and used for cannabis irrigation
  - 57,000 gal for 212-011-005
  - 23,850 gal for 212-012-002
- 8150 gallons are designated for fire suppression
- Additionally, water is diverted for domestic uses not associated with cannabis cultivation
  - 16,000 gal for domestic (diverted and stored 3,000 gal at a time)

See Attached Calculations

Correction to employee information:

- There will be a maximum of three seasonal workers.

## CANNABIS IRRIGATION CALCULATIONS

In the table below, for each month, state the number of cannabis plants that you will be cultivating and the number of days that you will be irrigating these plants. Include the amount of water projected to be required for your completed facility. Irrigation water will be water supply that you are withdrawing from storage that you have installed.

| Parameter                   | January | February | March | April | May   | June  | July  | August | September | October           | November | December | GPY   | ATY  |
|-----------------------------|---------|----------|-------|-------|-------|-------|-------|--------|-----------|-------------------|----------|----------|-------|------|
| Plants                      | 0       | 0        | 0     | 700   | 700   | 700   | 700   | 700    | 700       | 700               | 0        | 0        |       |      |
| Irrigation Days             | 0       | 0        | 0     | 25    | 25    | 25    | 25    | 25     | 25        | 15                | 0        | 0        | 80850 | 0.25 |
| Irrigation Rate (Gal/Month) | 0       | 0        | 0     | 12250 | 12250 | 12250 | 12250 | 12250  | 12250     | 7349.999999999999 | 0        | 0        |       |      |



*Operations Manual*  
*for*  
*Sunnyside Farms, LLC*  
*Cultivation Project*  
*9/8/17*

Produced By:

**A g D y n a m i x**  
CONSULTING • MANAGEMENT • COMPLIANCE



INCORPORATED 2015

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**Project Name** SUNNYSIDE FARMS, LLC

**Project Location** Skyline Rd.  
Redway

**Project Sponsor** Sunnyside Farms, LLC  
Skyline Rd.  
Redway

**Sponsor Contact** Cecelia Lanman,  
707-923-1009

**Permitting Agency** AgDynamix, LLC  
Teisha Mechetti, 707-798-6199

**APN** 212-011-005 & 212-012-002

**Existing Zoning Designation** U

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## Industry Analysis

Industry regulations have been enacted at the State, County, local and—in some instances—municipal levels. The proposed Project will adhere to all applicable regulations.

### Summary

A complex framework of regulatory laws influences cannabis cultivation regulations pertaining to the proposed Project, including Proposition 215, the Compassionate Use Act, Senate Bill 420, and the Medical Cannabis Regulation and Safety Act (MCRSA), and Proposition 65 (Prop 64) or the Adult Use Marijuana Act (AUMA), and most recently the Medical Adult Use Cannabis Regulation Safety Act (MAUCRSA).

Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018). Some local jurisdictions in California, to date, have established and implemented regulations to per miss, permit, and/or license cannabis business operations.

In November 2016, the AUMA legalized “recreational” cannabis possession, consumption, and personal indoor cultivation, but had no effect on medical marijuana permitting or licensing.

On June 27<sup>th</sup> Senate Bill 94, otherwise known as, the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA) by Governor Jerry Brown in efforts to consolidate the two legislative pieces put in effect to govern commercial medical and recreational cannabis activities, otherwise known as the consolidation of the MCRSA and AUMA. The merge of these two legislative pieces features changes to the licensing scheme that we were working within prior to its effect.

### State Regulatory Framework

With the passage of the Compassionate Use Act (Proposition 215) in 1996 and the Medical Marijuana Program Act (MMPA) in 2003 (Senate Bill 420), California created a system of possession and cultivation limits, a voluntary identification program, and assurance of a non-diversionary system of medical cannabis cultivation and dispensation. The intent of these legislative efforts was to clarify the scope of application, prevent arrest and prosecution, promote uniform application, increase accessibility of product, and address issues within the act to promote fair and orderly implementation.

In September 2015, the California State legislature enacted three bills under the MCRSA, consisting of AB-243, AB-266, and SB-643. Each bill addresses various issues pertaining to licensing and regulatory requirements involving medical cannabis cultivation, manufacturing, transportation, distribution, sales, and testing. These bills became effectual January 1, 2016, with State licensing to open on January 1, 2018.

The MCRSA establishes a multiagency framework to regulate commercial cannabis. The foundation of MCRSA is: “No person shall engage in commercial cannabis activity without possessing both a State license and a local permit, license, or other authorization.” This legislation provides for the licensure of commercial cannabis activity in California, strengthens environmental protections, and creates licensing opportunities for small and specialty cultivators.

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Assembly Bill 243 (AB-243) requires the CDFA, CDFW, and State Water Resources Control Board (SWRCB) to promulgate regulations and standards pertaining to medical cannabis cultivation efforts, mitigate impacts on environments, and coordinate enforcement efforts with State agencies.

Assembly Bill 266 (AB-266) addresses the licensure and regulation of medical marijuana for which the framework is primarily the responsibility of the Bureau of Cannabis Control (BCC) to enforce under the Department of Consumer Affairs' (DCA) and the Bureau of Medical Cannabis Regulation. Collaboratively, the Board of Equalization (BOE) and the CDFA are responsible for tracking and reporting the movement of cannabis goods throughout the State.

Senate Bill 643 (SB-643) addresses the setting of standards on behalf of physicians and surgeons prescribing medical cannabis and requires the Medical Board of California (MBC) to implement investigations of physicians who repeatedly or excessively prescribe medical cannabis to patients without good faith exemption. This bill requires the BMCR to gather fingerprints to conduct criminal history background checks.

This Act also grants the DCA sole authority to implement and govern the system for creation, issuance, renewal, discipline, suspension, or revocation of such licensure under the Bureau of Cannabis Control program. Additionally, the CDFA is responsible for administering provisions of the act related to or associated with cultivation and transportation of medical cannabis. This bill also authorizes counties and municipalities to propose and implement taxation on medical cannabis activity.

In addition to the initial framework developed to support local regulations and State licensing, there has been a broad legislative effort to institute clean-up bills to further clarify the scope and definitions under the MCRSA.

The Adult Use of Marijuana Act (AUMA), which passed in November 2016, has legalized adult use ("recreational") cannabis possession, consumption, and limited personal indoor cultivation. Because the AUMA legislation addresses only recreational cannabis issues, it currently has no effect on medical marijuana permitting or licensing.

On June 27<sup>th</sup>, Senate Bill 94, also known as, the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA) signed by, Governor Jerry Brown, in efforts to develop a single regulatory structure that governs commercial medical and recreational cannabis activities, collectively known as MCRSA and AUMA. The merge of these two legislative pieces features changes to the licensing scheme that were in effect prior to the implementation of MAUCRSA.

The creation of MAUCRSA prompted 23 license type activities varying from Cultivation, Processing, Manufacturing, Packaging, Infusion, Testing, Retail, Distribution, and Microbusiness licenses. License types 5-5B will not be available until 2023. Across the license types they will be assigned either an "A" for Adult Use or "M" for Medical operations. The introduction of new license types Type 5-5B Cultivation, Processing, Manufacturer I and II, Packaging, Infusion, and Microbusinesses was an introduction of license types carried from the AUMA. The MAUCRSA also now excludes transportation as a license type. Furthermore, clarification of the fact, points concerning that event licenses are not prohibited under this framework were also clarified. The local authority could issue event permits for "onsite cannabis sales to, and consumption by, persons 21 years of age or older at a County Fair or District Agricultural Association Event".

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According to this legislation, an applicant may now pursue a State license without local approval, however, may not conduct activities until local approval is met, otherwise could prompt a violation that would make the State license applicant ineligible to hold the license.

### Local Regulatory Framework

Under State legislation, MCRSA, municipalities possess the authority to set their own regulations pertaining to land use and commercial cannabis business activities. Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018).

#### Humboldt County

In October 2015, Humboldt County began its review process of the Commercial Medical Cannabis Land Use Ordinance (CMCLUO). This legislation governs commercial medical cannabis activities within the authority of the County of Humboldt and establishes zoning regulations, performance standards, and environmental compliance—as well as requiring proof of documentation. The ordinance went into effect February 26, 2016. The deadline for applicants was December 31, 2016.

On September 13, 2016 Humboldt County issued a correcting and clarifying document to address the elements of the CMCLUO that were not clear under the initial Ordinance No. 2544 and the implementation of the program.

An Environmental Impact Report is underway to assess the overall impacts of this program which could significantly affect the Commercial Cannabis Land Use Ordinance, once the results of the study have been considered.

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## Executive Summary

Project Sponsor is Sunnyside Farms, LLC, is a family owned and operation, dual member, for profit, Limited Liability Company whose purpose is to conduct agricultural activities within the State of California.

Sponsor proposes to operate an agricultural business that supports cultivation activities. The company has assumed five (5) employees will support site activities during peak harvest. This model would set a healthy precedent for the Redway community by setting a sound agricultural standard for this emerging industry.

The Sponsor has applied with the county for a Special Permit for 7,220-sq. ft. of pre-existing outdoor cultivation. Applicant also wishes to receive a timely issuance of a M-Type 2 or M-Type 12 license from the State.

The project is located on Tax Parcel No.'s 212-011-005 and 212-012-002 on approximately 75.3 acres of U zone. Applicant proposes use of an existing residential and garage structure to support drying and processing activities. Natural light supports Project cultivation activities, with an exception for supplemental lightning to support nursery operations. Solar power supports the project site's energy demands.

Water is sourced from an offsite Class II stream (Idiot Gulch), located on Parcel No. 212-011-006, that is tributary to Leggit Creek. Watering systems include: twenty-one (21) 2,500-gallon water storage tanks and one (1) 24,000-gallon water storage tank. All watering systems support domestic and commercial uses.

The Sponsor has initiated the Waste Water Discharge enrollments to facilitate compliance with the North Coast Regional Water Quality Control Board. The Initial Statement of Diversion and Use (ISWDU) and Small Domestic Use Registration (SDUR) have been filed with the State Water Resources Control Board (SWRCB) for the diversion on adjacent Parcel. A Lake and Streambed Notification will be filed to support the applicant's rights to water diversion/use. Applicant is also investigating whether they qualify for a Small Irrigation Use (SIU) for existing diversion. No other environmental filings are known to be required at this time.

## Project Timeline

### Phase 1 (2017)

- Obtain Land Use Approval.
- Retrofit Project Site as Needed.

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## Project Overview

The Project concerns Tax Parcel No.'s 212-011-005 and 212-012-002 in Redway, California that is seeking provisional permitting for outdoor medical commercial cannabis cultivation with consideration of the phased approach to development. The Project features ten (10) cultivation areas totaling 7,220 sq. ft. Cultivation and processing activities would occur on the southwest and southeast portions of the Parcels.

### Summary

The Project parcel is zoned U, which falls within the allowable zoning specified by the local authority. The Sponsor seeks permit approval for 7,220 sq. ft. of outdoor cultivation that is pre-existing, is supported by evidence, and involves natural light with the exception for supplemental lighting that will support nursery activities.

The Project features ten (10) cultivation areas comprised of five (5) hoop house structures, two (2) greenhouse structures, and three (3) outdoor cultivation areas, all designated for cultivation purposes.

### Location Description

The proposed Project would occur on Tax Parcel No.'s 212-011-005 and 212-012-002 at Skyline Rd. Redway, CA, in the southeast, northeast, southwest, and northwest quarters of Sections 28, 29, 32 and 33, in Range 3E, Township 3S.

### Zoning

The property features zoning U and the following characteristics:

- GIS acres: 75.3 acres.
- Coastal Zone: Outside.
- 100 Year Flood Zone: Outside.
- Alquist-Priolo Fault Hazard Zone: Outside.
- FEMA FIRM Flood Rating & Panel Number: Not applicable.
- Slope: <15% in cultivation areas.
- Relative Slope Stability (Per General Plan Geologic maps): Moderate instability.

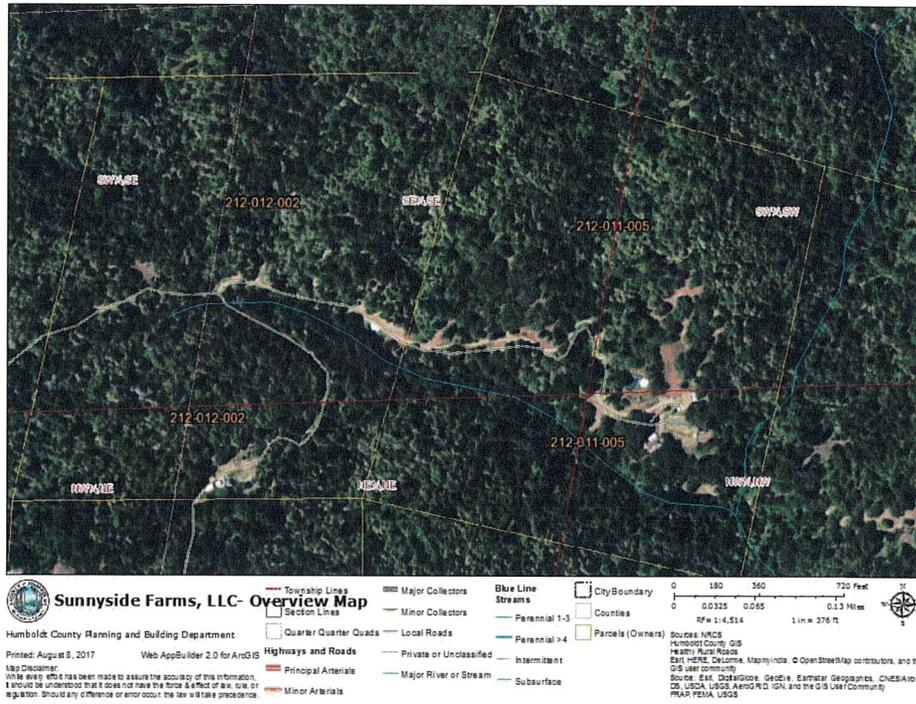
### Soil Ratings

As per Humboldt County's Ordinance No. 2544, because the project is pre-existing, no prime agricultural soil rating requirement pertains.

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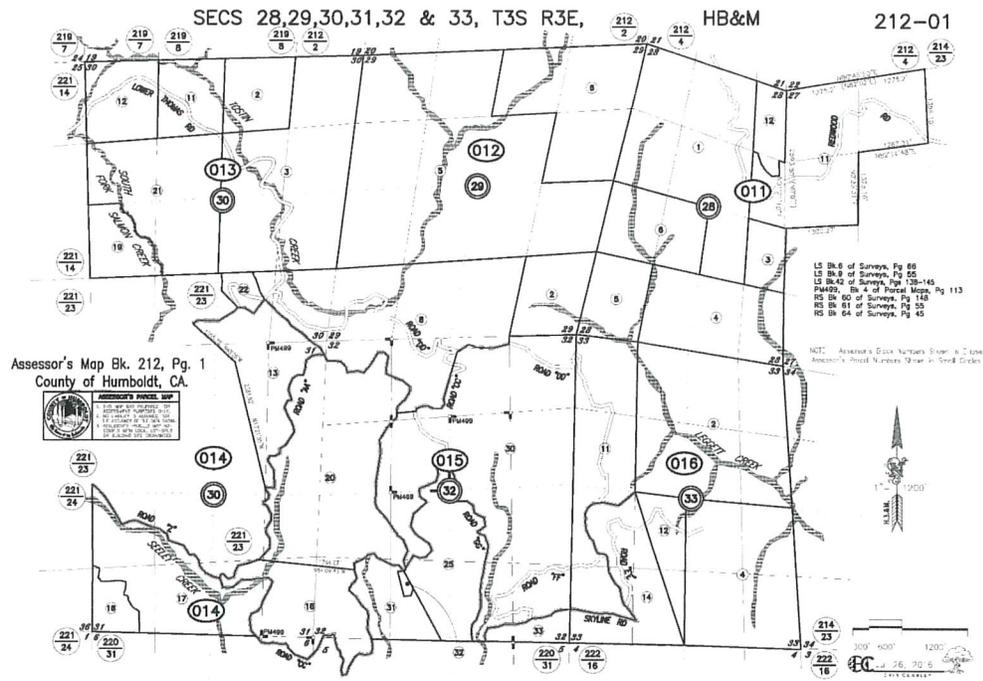
Maps  
Overview Map



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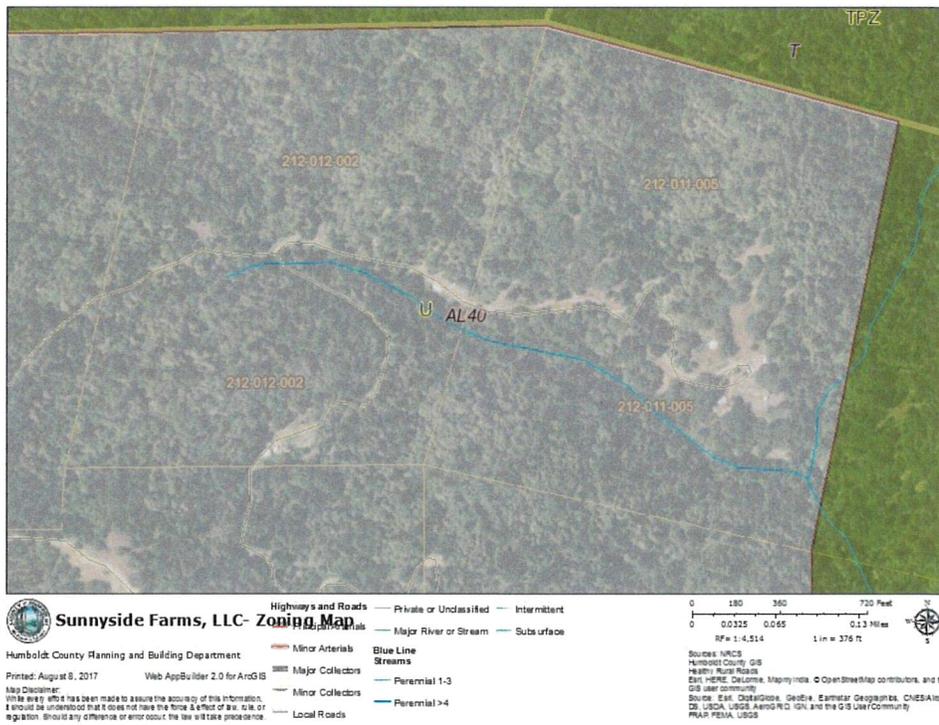
Assessor's Parcel Map



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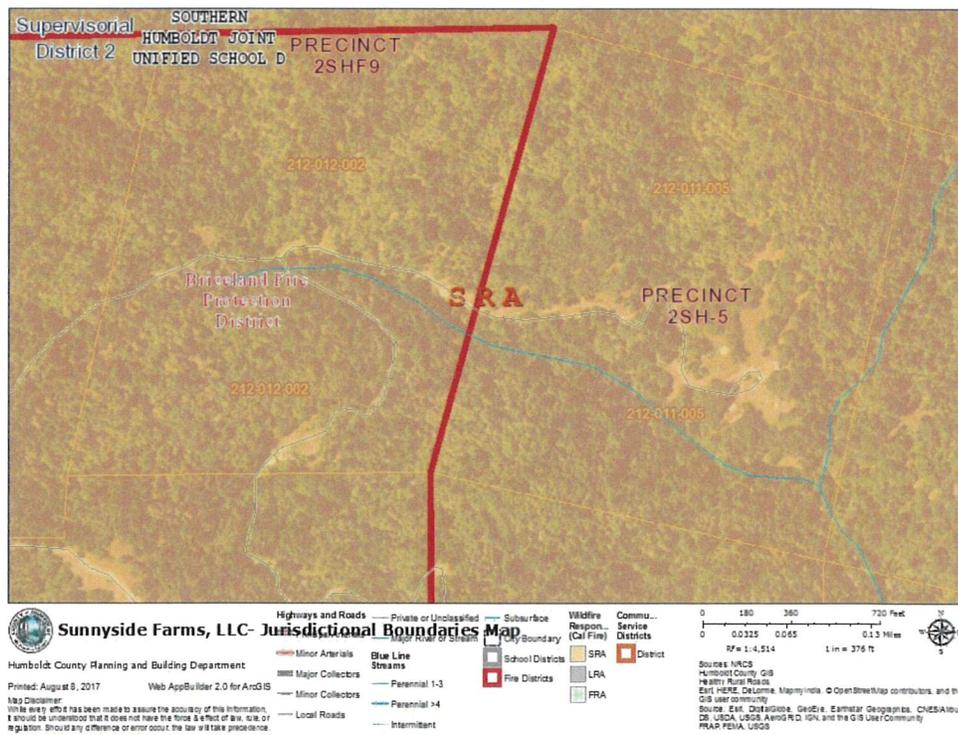
Zoning Map



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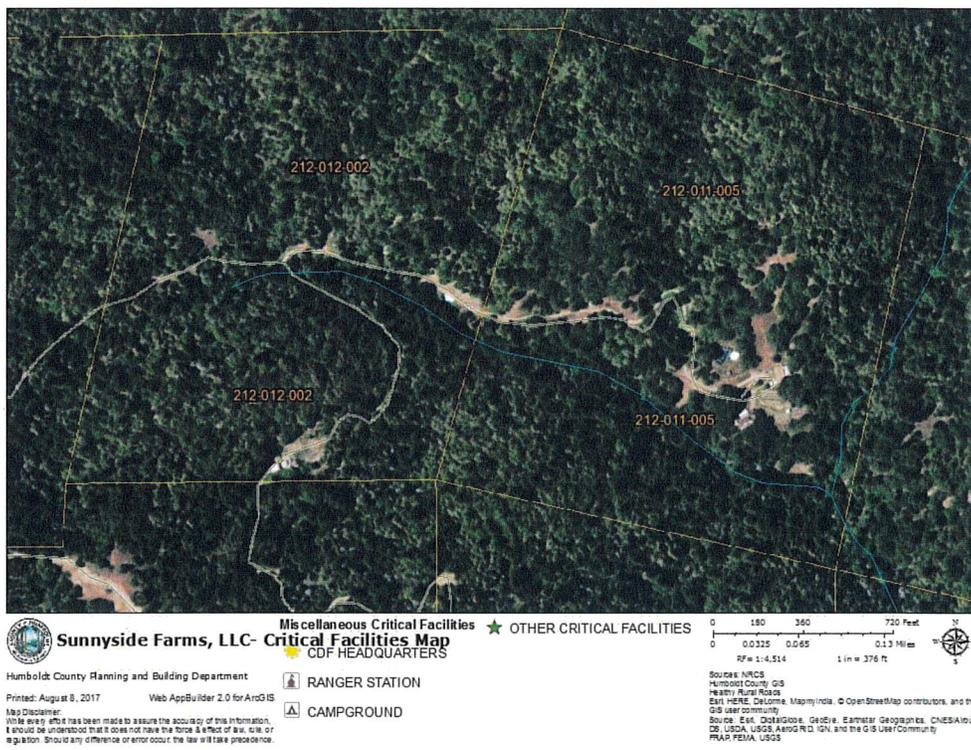
### Jurisdictional Boundaries Map



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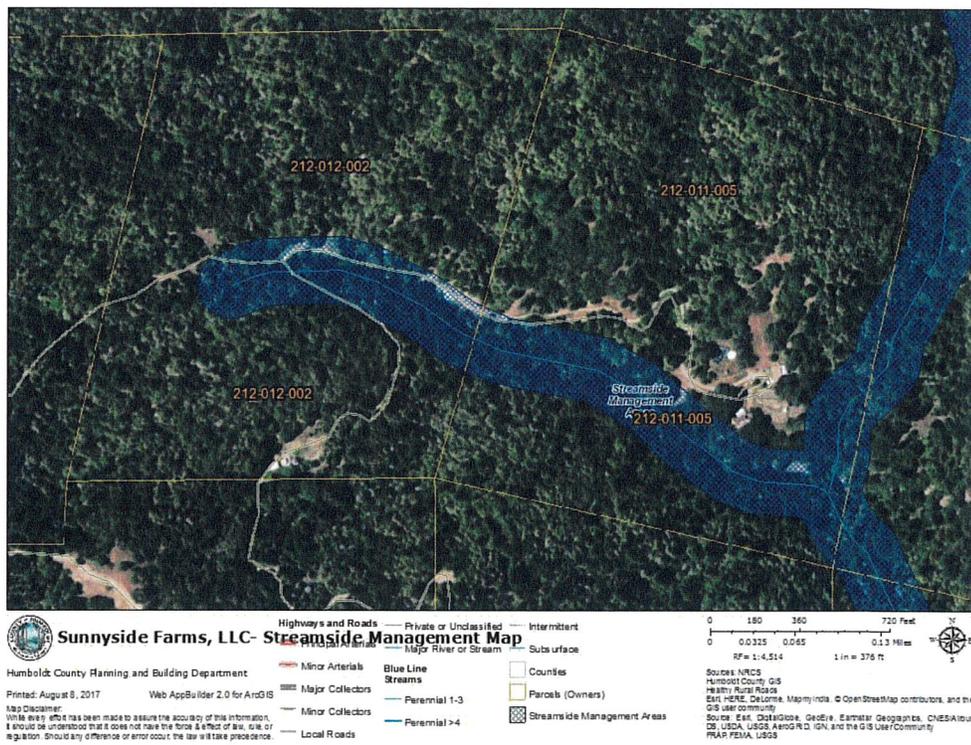
### Land Use (Critical Facilities) Map



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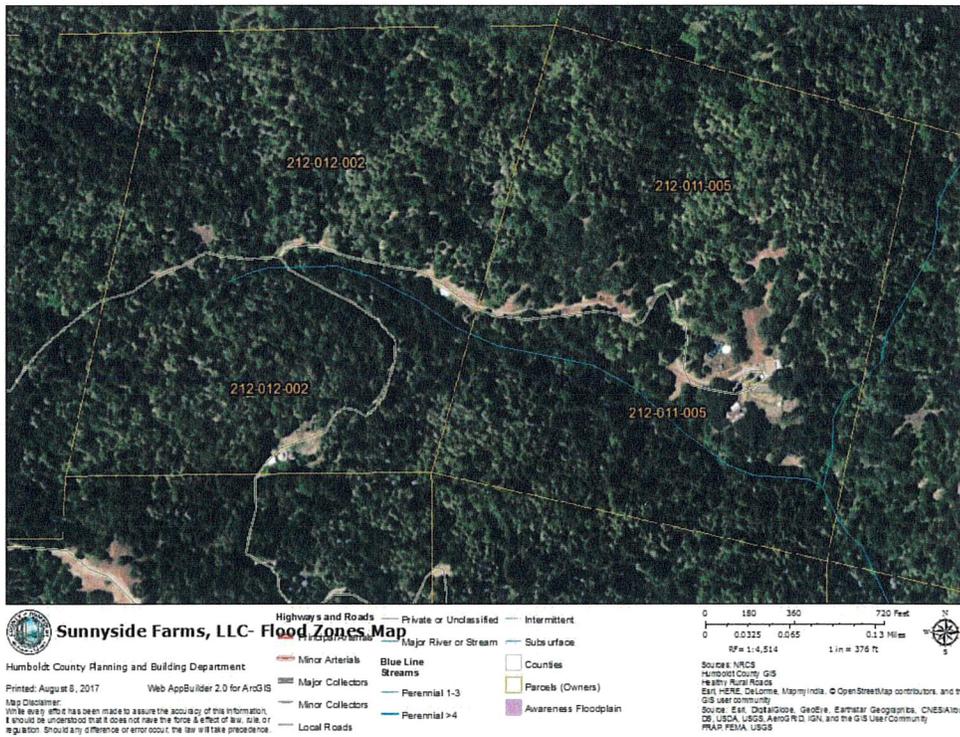
### Streamside Management Areas Map



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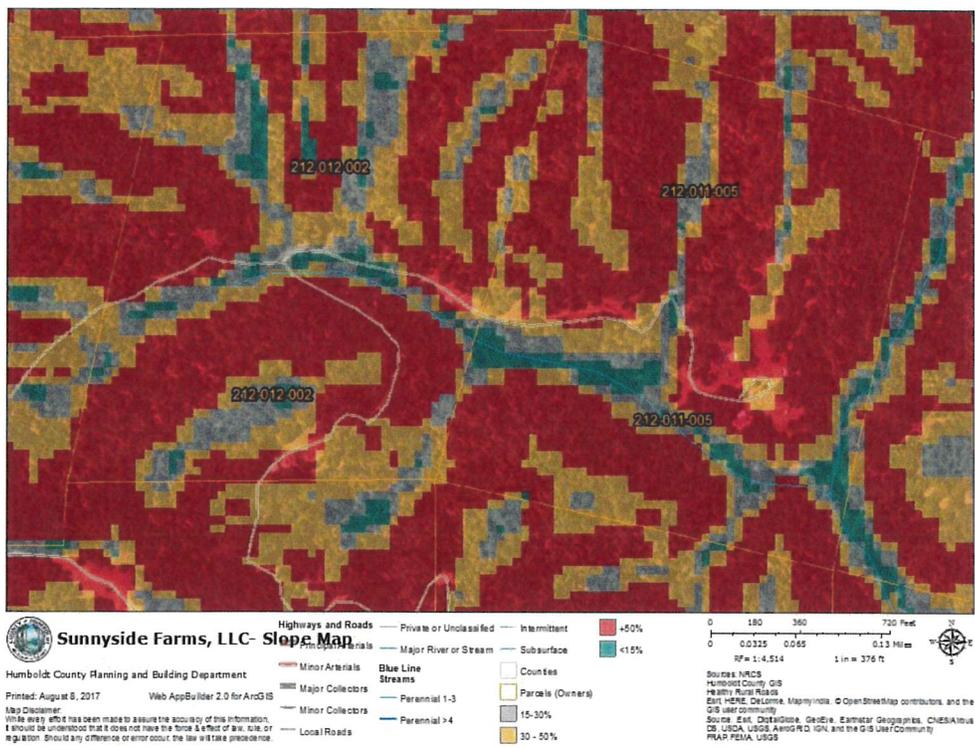
### Flood Zones Map



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Slope Map



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## Environmental Impacts & Standards

Environmental impacts and standards include a comprehensive summary of all environmental elements related to the proposed Project. Impacts could include land use, development, pollutants, nuisances, and related environmental concerns. Federal and State standards have been set—with oversight from the United States Environmental Protection Agency (EPA) and the U.S. Department of Agriculture (USDA)—regarding potential environmental impacts caused by general industry applications.

Mitigation measures that can be employed for cultivation activities to prevent environmental detriment often feature the implementation of Best Management Practices (BMPs) suggested by the State Water Resources Control Board (SWRCB) under the Water Board Order and enrollment/compliance with the Waste Waiver Discharge (WWD) program through the North Coast Regional Water Quality Control Board (NCRWQCB). This can include the potential requirement for a Water Resource Protection Plan (WRPP). Additional conformance may be required with the California Department of Fish & Wildlife (CDFW) (formerly Fish & Game) under a Lake and Streambed Alteration Agreement (LSA-1600/1602).

All projects must also adhere to standards and maintain compliance with regulations set forth by the Division of Environmental Health (DEH) through a Contingency Plan (see *Contingency Plan* below) regarding all wastes (known as a Waste Management Plan). Applicants must also abide by regulations set forth by the Department of Pesticide Regulations (DPR) and the Tribal Historical Preservation Office (THPO) for archaeological preservation.

Often it is found, during the review of the Project, that there may be additional requirements and/or specific needs to support a sound environmental action or mitigative plan to adhere to the standards set under additional agency authority.

### Summary

Potential Project impacts could include biological resources, land use/planning, transportation/traffic, agriculture and forestry, hazards and hazardous materials, public services, utilities/service systems, geology/soils, and hydrology/water quality.

Development impacts could include those regarding landscapes, infrastructure, roadways, and other environmental ramifications resulting from the Project.

Nuisance mitigation would include prevention of environmental impacts such as through odors, lights, and sounds that could potentially adversely affect neighboring properties or habitats. The proposed Project area would be required to meet all setback standards required by all agencies within the State of California and the local authority.

### Background

On January 1, 1970, President Nixon signed the National Environmental Policy Act (NEPA). California Governor Reagan followed suit by signing the California Environmental Quality Act (CEQA) into law on September 18 of the same year. These laws required the incorporation of environmental values into governmental decision making. These statutes require Federal, State, and local agencies to analyze and disclose the potential environmental impacts of their decisions, and—in the case of CEQA—to minimize significant adverse effects to the extent feasible.

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NEPA was codified under Title 42 of United States Code § 4331 et seq. (42 U.S.C. 4331 et seq.). Under NEPA, Congress established the White House Council on Environmental Quality (CEQ) to ensure that Federal agencies meet their obligations under the Act. CEQ's Regulations for Implementing the Procedural Provisions of NEPA are found in Title 40 of the Code of Federal Regulations, § 1500 et seq. (40 CFR 1500 et seq.). In California, CEQA was codified under Division 13 of California's Public Resources Code (CPRC), section 21000 et. seq. (Cal. Pub. Res. Code § 21000 et seq.). The Guidelines for Implementation of the CEQA regulations are in Title 14 of the California's Code of Regulations (CCR), § 15000 et seq. (14 CCR § 1500 et seq.).

NEPA and CEQA are similar, both in intent and in their respective review processes (analysis, public engagement, and document preparation) that they dictate. Importantly, both statutes encourage a joint Federal and State review for projects that require both Federal and State approvals. In such cases, a joint review process can avoid redundancy, improve efficiency and interagency cooperation, and be easier for applicants and citizens to navigate. Despite the similarities between NEPA and CEQA, there are several differences that require careful coordination between the Federal and State agencies responsible for complying with the statutes. Conflict arising from those differences can create unnecessary delay, confusion, and legal vulnerability.

Federal, State, and local agencies have cooperated in the environmental review of projects ranging from infrastructural development to renewable energy permitting. As State and Federal governments continue to pursue shared goals, there will be a continued need for an efficient and transparent environmental review processes that meets the requirements of both statutes.

Recognizing the importance of implementing NEPA and CEQA efficiently and effectively, the CEQ and the California Governor's Office of Planning and Research (OPR) developed a handbook regarding conducting joint NEPA and CEQA review processes. The CEQ oversees Federal agency implementation of NEPA, which includes writing the CEQ NEPA regulations and preparing guidance and handbooks for Federal agencies.

OPR plays several roles in the administration of CEQA, including development of CEQA Guidelines in coordination with the California Natural Resources Agency, providing technical assistance to State and local agencies, and coordinating State-level review of CEQA documents. Agencies conducting an environmental review must also consider any additional requirements or deadlines established in the individual agency's administrative regulations or procedures that implement NEPA and CEQA. These requirements could prescribe additional or more stringent requirements than the CEQ regulations and CEQA guidelines.

The NEPA and CEQA handbook provides practitioners with an overview of the NEPA and CEQA processes and practical suggestions for developing a single environmental review process that can meet the requirements of both statutes. The handbook contains three main elements. First is a "Question and Answer" section that addresses the key similarities and differences between NEPA and CEQA. This section compares each law's requirements or common practices and identifies possible strategies for meeting the requirements of both laws. These strategies are not meant to prescribe methods that agencies must use; rather, the handbook provides suggestions that help agencies identify and analyze potential issues.

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### Project-Specific Factors

The following table details any potential effects to environmental elements related to the Project:

|                                     |                          |                                     |                                 |                                     |                                    |
|-------------------------------------|--------------------------|-------------------------------------|---------------------------------|-------------------------------------|------------------------------------|
| <input type="checkbox"/>            | Aesthetics               | <input checked="" type="checkbox"/> | Agriculture and Forestry        | <input type="checkbox"/>            | Air Quality                        |
| <input checked="" type="checkbox"/> | Biological Resources     | <input checked="" type="checkbox"/> | Cultural Resources              | <input checked="" type="checkbox"/> | Geology/Soils                      |
| <input type="checkbox"/>            | Greenhouse Gas Emissions | <input checked="" type="checkbox"/> | Hazards and Hazardous Materials | <input checked="" type="checkbox"/> | Hydrology/Water Quality            |
| <input checked="" type="checkbox"/> | Land Use/Planning        | <input type="checkbox"/>            | Mineral Resources               | <input type="checkbox"/>            | Noise                              |
| <input type="checkbox"/>            | Population/Housing       | <input checked="" type="checkbox"/> | Public Services                 | <input type="checkbox"/>            | Recreation                         |
| <input type="checkbox"/>            | Transportation/Traffic   | <input type="checkbox"/>            | Utilities/Service Systems       | <input type="checkbox"/>            | Mandatory Findings of Significance |

### Mandatory Compliance Factors

In accordance with the State of California, it is a requirement that agricultural operations obtain the appropriate environmental filings to support land alterations, diversions, and discharges of affluent.

#### Water Sources

Water is sourced from an offsite Class II diversion (Idiot Gulch), located on Parcel No. 212-011-006, that is tributary to Leggit Creek.

#### Initial Statement of Water Diversion & Use (ISWDU)

An ISWDU has been filed to secure the applicant’s right to divert water from the offsite diversion for cultivation and domestic uses.

#### Small Domestic Use Registration (SDU)

A SDU has been filed to secure the applicant’s right to divert into a series of water storage tanks for domestic uses.

#### Small Irrigation Use (SIU)

Not available.

#### Lake and Streambed Alteration Agreements (LSAA-1600/1602)

It was determined that a LSAA-1600/1602 is required for this Project because water is being diverted from an offsite Class II diversion on Parcel No. 212-011-006, to support the onsite water storage tanks that will be used for domestic and commercial uses. Periodic inspections may be conducted by a third-party agent, Pacific Watershed Associates Inc. (PWA), or CDFW to determine the need and application for filing.

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### Water Board Order: Waste Waiver Discharge (WWD)

Initial inspections by PWA regarding water usage and discharges have been conducted. The initial notice of intent and monitoring/reporting forms, under the WWD, have been filed with the North Coast Regional Water Quality Control Board (NCRWQCB). A reporting/recording system would be developed, monitored, and reported to comply with annual renewal requirements under this order.

Additional inspections (post enrollment) would be conducted by the PWA with no current confirmation of when this inspection would occur. The proposed Project falls into Tier 2 due to the pre-existing cultivation site, canopy size, and water uses. The Project does not pose a notable threat to the environment due to several conditions that are documented in the WRPP.

### Water Resource Protection Plan (WRPP)

A WRPP has been generated by the designated agency, PWA. This document is held by the third-party agent and applicant which maintained onsite to satisfy any request by the NCRWQCB. This ensures protection of nearby habitats via management of spoils, management of runoff/discharges, use of DPR-approved inputs, correct use of fertilizer, and proper storage of fungicides, pesticides, and fuels.

### Department of Pesticide Regulation Requirements (DPR)

The Project would adhere to DPR requirements and limitations regarding pesticide, fungicide, and rodenticide inputs for cannabis cultivation and management of pests and/or disease. Quality and consumer-safe production requires medical cannabis cultivation inputs that are approved as environmentally sound and deemed safe for medical consumption.

### Archaeological Inspections & Survey

There is no current archaeological inspection on file of which the permitting agent is aware. However, records may be accessible through Sonoma State University's Northwest Information Center (NWIC) and the local THPO.

## Additional Compliance Factors

### Bureau of Cannabis Control (BCC)

In 2015, the Legislature passed and the Governor signed into law three bills (Assembly Bills 243 and 266, and Senate Bill 643) that create a licensing and regulatory framework for medical cannabis through the Medical Cannabis Regulation and Safety Act. Later this was updated through the MAUCRSA, Senate Bill 94. This legislation created the Bureau Cannabis Control within the Department of Consumer Affairs. It also divided the responsibility for state licensing between three state entities – the CA Department of Food and Agriculture, the CA Department of Public Health, and the Bureau of Medical Cannabis Regulation, with the Bureau designated as the lead agency in regulating the cannabis industry in California. This agency is responsible for licensing concerning testing, retail, distribution, and microbusinesses.

### Cal-Cannabis Cultivation Licensing

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As directed by the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act, the California Department of Food and Agriculture (CDFA) has written the proposed regulations to establish cannabis cultivation and processing licensing and a track-and-trace system, collectively referred to as Cal-Cannabis Cultivation Licensing.

#### Office of Manufactured Cannabis Safety

OMCS was established in the Center for Environmental Health of the California Department of Public Health (CDPH) after the Governor signed into law the Medical Cannabis Regulation and Safety Act in 2015. The Act established a licensing and regulatory framework for the manufacturing, packaging, and infusion of medical cannabis in California.

The Medical Cannabis Regulation and Safety Act created the Bureau of Medical Cannabis Regulation in the Department of Consumer Affairs, and tasked the following Departments to establish regulations for the medical cannabis industry:

**CA Department of Consumer Affairs (Bureau of Cannabis Control):** to license transporters, distributors, dispensaries, and testing laboratories.

**CA Department of Food and Agriculture (Cal-Cannabis Cultivation Licensing):** to license cultivators and processors, and will also be responsible for implementing the Track-and-Trace System for plants from cultivation to sale.

**CA Department of Public Health (Office of Manufactured Cannabis Safety):** to license manufacturers of cannabis.

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## Performance Standards

Performance standards include nuisance mitigation (for noise, odors, light, and other potential hazards of the Project), setback requirements, and a consent to inspect.

### Setback Requirements

The proposed Project area meets all setbacks required by the local authority and adheres to all other setbacks from neighboring parcels and property boundaries.

Nearby parcel residences are more than 300' from the proposed cultivation space (applicable only to parcels of five (5) acres or less). There are no known schools, school bus stops, public parks, places of religious worship, or Tribal cultural resources that are known within 600' to 1,320' of the cultivation area. Additionally, a 30' setback from the PG&E pole and 12' of overhead lines and property borders is satisfied.

Setbacks from nearby waterways adhere to the NCRWQCB and the CDFW's setback requirements. It is deemed that Environmentally Sensitive Habitat areas will not be impacted by the proposed Project.

### Nuisance Mitigation

The Project would mitigate the potential for or existing nuisances, including through odors, lights, sounds, and other nuisances that extend beyond the boundaries of an adjacent property, with adherence to State and local (County and/or municipality) regulations pertinent to this Project.

Best mitigation efforts:

- Odor: Scrubbers.
- Light: Escape shielding.
- Sound: Buffering.

### Generator Use

Solar panels support the project sites energy requirements. No generator use is proposed with exception of back-up generator support.

### Consent to Inspect

This section hereby grants to the relevant authority an authorization to conduct an annual compliance inspection with a minimum notice of 24 hours. The inspection would be conducted by officials during regular business hours (Monday-Friday, 9:00 am-5:00 pm), excluding holidays.

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## Cultivation Plan

The Cultivation Plan adheres to robust standards promulgated under the DPR and regulated under the CDFA, and in accordance with DCA's consumer standards maintained by the Department of Public Health (DPH).

In preparation for future certification related to organically produced product, the Cultivation Plan also follows National Organic Program (NOP) standards. The input guidelines established by the DPR are in accordance with certification regarding organically produced product requirements and follow a whole-farm BMP plan for management of land, crops, and end products.

### Summary

The Project proposes 10,000 sq. ft. of M-Type 2 pre-existing outdoor cultivation in the form of ten (10) garden areas on 75.3 acres of U zoning that would be serviced by natural light with the exception of supplemental lighting for nursery activities.

Water for the Project would be sourced from twenty-two (22) onsite water storage tanks totaling 76,500 gallons that are supported by an offsite Class II diversion (Idiot Gulch), located on Parcel No. 212-011-006, that is tributary to Leggit Creek. A WRPP will be available for further information regarding site-specific conditions, mitigation measures, and remediation efforts.

### Cultivation Schedule

The following table details the annual cultivation schedule, comprised of two (2) harvests per year, with breakdown by area. Water figures are indicated in gallons.

| Area | Jan   | Feb   | Mar   | Apr   | May | Jun | Jul | Aug     | Sep | Oct | Nov   | Dec   |
|------|-------|-------|-------|-------|-----|-----|-----|---------|-----|-----|-------|-------|
| HH 1 | Cover | Cover | Cover | Veg   | Veg | Blm | Blm | Veg/Blm | Blm | Blm | Cover | Cover |
| HH 2 | Cover | Cover | Cover | Veg   | Veg | Blm | Blm | Veg/Blm | Blm | Blm | Cover | Cover |
| HH 3 | Cover | Cover | Cover | Veg   | Veg | Blm | Blm | Veg/Blm | Blm | Blm | Cover | Cover |
| HH 4 | Cover | Cover | Cover | Veg   | Veg | Blm | Blm | Veg/Blm | Blm | Blm | Cover | Cover |
| HH 5 | Cover | Cover | Cover | Veg   | Veg | Blm | Blm | Veg/Blm | Blm | Blm | Cover | Cover |
| GH1  | Cover | Cover | Cover | Veg   | Veg | Blm | Blm | Veg/Blm | Blm | Blm | Cover | Cover |
| GH 2 | Cover | Cover | Cover | Veg   | Veg | Blm | Blm | Veg/Blm | Blm | Blm | Cover | Cover |
| CA 1 | Cover | Cover | Cover | Cover | Veg | Veg | Veg | Veg/Blm | Blm | Blm | Cover | Cover |
| CA 2 | Cover | Cover | Cover | Cover | Veg | Veg | Veg | Veg/Blm | Blm | Blm | Cover | Cover |
| CA 3 | Cover | Cover | Cover | Cover | Veg | Veg | Veg | Veg/Blm | Blm | Blm | Cover | Cover |

\*Water use is as reported in the self-reporting attachment Appendix C or Monitoring & Reporting Form (MRP) of the WWD Enrollment or the Initial Statement of Water Diversion and Use (ISWDU).

### Winterization Plan

During the fallow months, exposed ground would be cropped with green cover and native vegetation seed to protect against erosion and denitrification of the soil. Green manures would be incorporated into the native soils to enhance productivity during the forthcoming planting season.

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## Water Resources

Water for the proposed cultivation Project would be sourced from twenty-one (21) 2,500-gallon water storage tanks and one (1) 24,000-gallon water storage tank. An offsite Class II diversion (Idiot Gulch), located on Parcel No. 212-011-006, that is tributary to Leggit Creek.

To mitigate runoff from cultivation activities, high-retention soil mediums and special irrigation techniques would be employed.

### Irrigation Plan

For most of the season, crop production would be directly irrigated from twenty-two (22) onsite water storage tanks. Applicant is using a T-Tape drip irrigation supply system as a water reduction application.

### Emergency Water Plan

In the event of a water emergency, the proposed Project currently features adequate water storage to support the project site from twenty-two (22) water storage tanks totaling 76,500 gallons that are supported by an offsite Class II diversion (Idiot Gulch), located on Parcel No. 212-011-006, that is tributary to Leggit Creek. Existing water tank storage is noted on the site plan (see *Site Plan/WRPP Map*).

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## Operational Plan

The Operational Plan covers many aspects of the business, including location, organization, and a description of the Project's business sponsor that includes its mission, vision, and values. It also includes a description of what is produced by the Project, including sales and marketing efforts.

### Summary

The Operational Plan details use of the organization's resources in pursuit of the strategic plan. It prescribes specific activities and events to be undertaken to implement strategies. It is a plan for the day-to-day management of the organization (encompassing a one-year period). An operational plan should not be formulated without reference to a strategic plan. Operational plans may evolve from year to year with business growth. The chief executive, lead staff, and third parties of or for the organization often produce the Operational Plan.

The products produced by the Project would have the primary designated use of the treatment of patients with varying ailments. Medical cannabis products would be distributed to qualified medical cannabis consumers via wholesale outlets and retail dispensary locations.

### Business Organization

Sunnyside Farms, LLC is a dual member Limited Liability Company (LLC) operating under entity number 201703310457 that features two members. The members are responsible for delegating primary activities pertinent to the organization's daily and future management.

### Management Team

Hal Hale, Member-Owner

Cecelia Lanman, Member-Owner

### Business Description

The primary goal of Sunnyside Farms, LLC is, within the State of California, to conduct agricultural activities and produce specialty agricultural products.

### Mission

Sunnyside Farms is a for-profit entity with the mission of producing high-grade specialty cannabis agricultural products to support the medical cannabis supply chain for California-based retail dispensary outlets.

### Vision

Sunnyside Farms adheres to a sustainable and homestead-driven, integrative farming model that includes standards related to organically produced crops and onsite agricultural resource sustenance. The company's model integrates sustainable living and production principles with cannabis cultivation.

### Values

Sunnyside Farms values the need for prudent land management strategy, social equity, and the quality production of cannabis to supply medical consumers and the treatment of their conditions. The company is committed to operating within full compliance of local, County, and State regulations.

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## Products

Sunnyside Farms, LLC. would produce specialty agricultural cannabis and nursery stock to support the onsite cultivation of high-grade organically produced cannabis flower products that are tested and assured for quality. Cultivation byproducts of additional value would be sold to permitted manufacturers (for the processing of extracts, concentrates, and topical products).

The primary designated use of the raw medical cannabis (flower) produced would be the treatment of patients with varying ailments. Premium-grade medical cannabis can be consumed via multiple methods, including inhalation, ingestion, and dermal (topical) applications. Cannabis has proven to deliver positive efficacy for myriad ailments, conditions, and symptoms. Research is underway regarding additional benefits of medical cannabis.

## Sales & Marketing

Sunnyside Farms, LLC's product would be distributed to medical cannabis consumers via wholesale outlets and retail dispensary locations and ancillary marketplaces. The quality, testing thresholds, and branding would target consumers who lead a Lifestyle of Health and Sustainability (LOHAS) and who prefer premium organically produced medicine.

## Chain of Custody

Sunnyside Farms, LLC adheres to a robust system of chain of custody for recordkeeping and sourcing potential contamination of seed/nursery product, flower product, trim, or value-added byproducts. This system would serve to verify responsibility for and liability of products during cultivation, processing, distribution, and wholesale/retail sales.

## Packaging

After testing and processing, products would be packaged per quality control standards and in tamper-proof packaging that does not appeal to minors. Products packaged in larger volumes would be distributed directly to consumers and retail outlets. Individual consumer labelling may be applied at the distributor or retailer level, after transfer of ownership in the chain of custody. If the business chooses to protect its branding through the Agricultural Commissioner, products would be individually packaged and labelled within the County of origin.

## Distribution

Sunnyside Farms, LLC will secure trading outlets for its products through existing local distribution networks. These distribution networks service retail dispensary outlets that seek licensure within their respective jurisdictions, as well as the State licensing platform under the CDFA. The established patient base has created a demand and fulfills the need for many medical cannabis products from multiple licensed suppliers within the State of California.

## Track and Trace Standards

As per the Track and Trace provisions as of June 27<sup>th</sup>, 2017 under the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA), Senate Bill 94.

## Chapter 6.5. Unique Identifiers and Track and Trace

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26067. (a) The department, in consultation with the bureau, shall establish a track and trace program for reporting the movement of cannabis and cannabis products throughout the distribution chain that utilizes a unique identifier pursuant to Section 26069, secure packaging, and can provide information that captures, at a minimum, all the following:

- (1) The licensee receiving the product.
- (2) The transaction dates.
- (3) The cultivator from which the product originates, including the associated unique identifier pursuant to Section 26069.

(b) (1) The department, in consultation with the State Board of Equalization, shall create an electronic database containing the electronic shipping manifests to facilitate the administration of the track and trace program, which shall include, but not be limited to, the following information:

- (A) The variety and quantity or weight of products shipped.
- (B) The estimated times of departure and arrival.
- (C) The variety and quantity or weight of products received.
- (D) The actual time of departure and arrival.
- (E) A categorization of the product.
- (F) The license number and the unique identifier pursuant to Section 26069 issued by the licensing authority for all licensees involved in the shipping process, including, but not limited to, cultivators, manufacturers, distributors, and dispensaries.

### Transportation

All products would be transported through either the permitted cultivator to processing or distribution and/or via a licensed transporter to trading partners that are authorized to distribute cannabis products to end consumer outlets (when applicable). These transporters would be responsible for adhering to guidelines that involve (but are not limited to) permitting, weights and measures, packaging/packing/labeling, verification of packing and freight volumes, and liability insurance that covers product loss resulting from unintentional diversion or emergency.

Transporters would be responsible for fulfilling contractual deadlines and ensuring delivery of products in a timely fashion to maintain positive standing with trading partners and protect the quality of a product that features a limited shelf life.

SB-643, Chapter 719, § 19302.1 (d): "The DCA shall have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of medical marijuana within the State and to collect fees regarding

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activities the BMCR regulates. The bureau may create licenses in addition to those identified in this chapter that the bureau deems necessary to effectuate its duties under this chapter.”

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## Processing Plan

The Processing Plan covers many aspects of the end stage cultivation workflow employed by the business to harvest, dry, trim, cure, package, and assure the quality of medical cannabis products. Quality assurance efforts include sanitation, dust control, and environmental standards necessary for optimal processing.

### Background

#### Summary

As promulgated under various regulatory agencies, including but not limited to the Labor Commissioner (LC) and Wage and Hour Division (WHD), Employment Development Department (EDD), the Agricultural Labor Relations Board (ALRB), United States Department of Agriculture (USDA), the Food and Drug Administration (FDA), California Department of Food and Agriculture (CDFA), and are responsible for varying aspects of government labor laws, quality control, minimum wage and hours laws, administrative responsibilities, and health and safety regulations that govern processing and day labor activities related to Agricultural industries.

### Project Details

Sponsor proposes to operate as a family owned and operated business and intends to process all Sunnyside Farms, LLCs' product within the existing residential and garage structure. In the event of future considerations for employees the following standards would apply.

Cultivation activities undergo a common process flow that involves cultivation, to harvest, drying, to testing, grading/sorting, curing, to testing, packaging, to testing again (distributor level), and end sales. This is in efforts to ensure robust quality control; the business would employ stringent grading and sorting of medical cannabis product during harvest to eliminate any contaminated product from end supply.

#### Project Processing Environment

The existing residence and garage will be designated for all drying and processing activities.

It is expected that structures for this project would support a maximum of five (5) people during peak processing activities. Applicant may propose additional structural development to accommodate enhanced operational needs.

#### Housing

The Plot Plan includes a personal residence that is not extended to employees for housing application.

Any housing provided to employees for this Project will be subject to CCR regulations found in the *Source Guide for Federal & State Requirement for Employees and Migrant Housing*.

### Administrative

Administrative elements of the Project include payroll, recording and reporting, chain of custody, safety procedures and protocols, product safety materials, labor and subcontractor issues, and quality assurance/control of product.

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## Labor Management

The primary organization that would be responsible for the recordkeeping of employees (both seasonal and permanent) would be Sunnyside Farms, LLC. All records maintained by Sunnyside Farms, LLC would be made available upon request.

The organization has considered payroll options for peak times of the season during which employment periods would be up to several months in duration (particularly during the harvesting, processing, and packaging stages of cultivation). An outside entity may be responsible for soliciting, recruiting, and hiring employees.

The designated entity is responsible for ensuring property, business, and workplace compliance under the guidelines of the following departments:

- Bureau of Medical Marijuana Regulation (BMCR).
- California Department of Food & Agriculture (CDFA).
- County Agriculture Commissioner (CAC).
- County Planning Department (CPD)/Community Planning (CP)/Development Department (DD).
- Department of Industrial Relations (DIR).
- Department of Labor, Wage, and Hour Division (DL-WHD).
- Department of Pesticide Regulation (DPR).
- National & California Agricultural Labor Relations Board (NALRB/CALRB).
- Occupational Safety and Health Administration (OSHA).
- U.S. Department of Labor (US-DOL).

## Recording & Reporting

All employee records for hours worked and reported would be kept onsite or via a payroll recordkeeping center and submitted to the managing payroll department to ensure timely reporting. Requests for review of payroll records would be the sole responsibility of the managing human resources agent (upon request and under certain lawful circumstances).

## Quality Assurance & Control of Product

Quality assurance efforts encompass sanitation, climate control, dust control, and a variety of environmental standards. Quality control measures include monitoring, testing, harvesting, drying, curing, grading, sorting, packaging, secure storage, and distribution procedures.

In 2011, the Food and Drug Administration tasked the U.S. Department of Agriculture (USDA) to co-create with the U.S. Department of Health and Human Services (USDHHS) and the Center for Food Safety and Applied Nutrition (CFSAN) a program to implement Good Agricultural Practices (GAPs) and Good Handling Practices (GHPs). The goal was to mitigate food safety hazards and set standards and management regulations for processing facilities to ensure quality and consumer safety of agricultural products when handled in processing environments.

Found in the April 2011 *Guide to Minimize Microbial Food and Safety Hazards for Fresh Fruit and Vegetables* (authored by the USDA, USDHHS, and CFSAN) is discussion about the fundamental procedures

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that should be developed and implemented. This document features a list of principles applied to the workplace in efforts to meet these standards and is as follows:

- Accountability for product quality.
- Controls for workplace sanitation.
- Employee hygiene.
- Minimization of microbial exposures.
- Operating procedures.
- Packaging procedures and protocols.

#### Chain of Custody

Agricultural businesses must adhere to a rigorous chain of custody system for product management and the identification of contamination in all raw and finished products.

#### Monitoring

Pre/post-harvest workflow would be monitored on a predetermined schedule and involve documentation of the condition of the product during its active stage of monitoring.

#### Harvesting

During harvest, a labor crew would be required to assist with light physical labor, including walking, crouching, lifting, and some climbing.

#### Testing Procedure

All product testing would be conducted by an approved (certified) third-party laboratory. This would encompass testing for potency and purity, including the presence of pesticides, fungicides, and harmful micro biologics.

#### Drying/Curing

Product would be harvested at maturity and dried and cured in a climate-controlled environment. The primary equipment used would include dehumidifiers, fans, and heaters.

#### Grading/Sorting

Products would be graded based on testing results, maturity, and specific intended use (flower, manufacturing of extracts, concentrates, topical products, etc.)

#### Processing

Product would be harvested, trimmed, dried, and cured in a manner best suited to the specific environmental factors of the crop. This would include both visual inspections by master cultivators and data collection and analysis (via automated sensors).

#### Packaging

Packaging would adhere to the guidelines for package type, quantity/weights, warning labels, and stamping procedures.

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## Health & Safety

The first response emergency contact phone number is 9-1-1. Hospitals are Redwood Memorial Hospital at 707-725-3361 (Fortuna) and St. Joseph Hospital at 707-445-8121 (Eureka). The American Association of Poison Control Centers (AAPCC) can be reached at 800-222-1222.

### Job Hazard Analysis

Labor duties would vary throughout the harvesting, drying, processing, and packaging stages of the operation. With each task, an analysis would be conducted to identify potential hazards associated with a task, including weather conditions, the physical aptitude of employees, tools utilized, and potential exposure to chemicals and other substances. Identification of these hazards is intended to mitigate potential job hazards and help ensure employee adherence to safety practices.

### Injury Illness Prevention Plan

It is required by the DIR that every employer shall establish, implement, and maintain an effective Injury and Illness Prevention Plan (IIPP).

Components of an IIPP include:

- Employee compliance with safe and healthy work practices.
- Investigation of injuries and/or illnesses.
- Procedures for correction of unsafe/unhealthy conditions, work practices, and/or procedures.
- Procedures to identify and evaluate workplace hazards.
- Responsible person(s) and contact information.
- Safety training.
- System for communication with employees.
- Thorough safety program recordkeeping and document retention practices.

### Heat Illness Prevention Plan

Written protocols regarding heat illness prevention would be available to employers, managers, supervisors, and employees regarding how to prevent and handle heat illness incidents.

To prevent heat illness to employees in the field, several factors must be considered:

- Ambient temperature (measured via thermometer or weather report).
- Crew size.
- Excessive clothing.
- Other relevant exposures.
- Presence of personal protective equipment or additional sources of heat.
- Work shift duration.

The following heat illness factors would be considered:

- Accessibility of drinking water.
- Accessibility of shade (via protective structures).
- Periodic rest breaks.

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- Reminders to employees to remain hydrated.

### Hazard Communication Policies

Hazard communication is important to ensure the safety of all onsite employees, contractors, and subcontractors. Potential and known hazards would be made clear prior to conducting tasks and activities. Implementing this procedure is important to ensure that employees, contractors, and subcontractors are informed about the relevant risks associated with certain onsite tasks and the reduction of liabilities against the employer for improper use of equipment, machinery, and tools.

### Emergency Procedures

Emergency procedures include the availability of eye washing stations and detailed procedures for dealing with chemical spills. In the event of an emergency, certain protocols would be developed and followed regarding fire evacuation plans, earthquake safety, and other emergency scenarios.

### Chemical Handling

Any input products used onsite would be accompanied by MSDS and Chemical Inventory Lists that would be available to inspectors and employees and maintained onsite.

In the event of emergency spills, call 9-1-1 and then report to the Office of Environmental Safety (OES) and California State Warning Center (CSWC) at 800-852-7550 or 916-845-8911 and identify proper steps to isolate the incident and cleanup.

### Eye Washing Station

Often, chemicals used onsite provide MSDS sheets that indicate the need for applicators to utilize an eye washing station after exposure. The eye washing station must be positioned within 200' of the cultivation area and any areas where chemicals, fertilizers, or pesticides would be used or administered for various applications.

### Employee Accident Policies

An investigation would be conducted to determine next steps.

The company adheres to protocols for employee accident reporting. The manager is responsible for documenting any onsite incidents using *Form 5020*, including:

- Address of accident/event site.
- Description of accident/event and if the accident scene/instrumentation has been altered.
- Employer's name, address, and telephone number.
- Law enforcement agencies present at the accident/event site.
- Location of medical treatment.
- Name and address of injured employee(s).
- Name and job title of reporting party.
- Name of contact person at accident/event site.
- Nature of injuries.
- Time and date of accident/event.

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Accidents need to be reported immediately to Cal/OSHA in Redding at 530-224-4743.

Contact the business' medical provider, the employee's designated medical provider, or 9-1-1, depending on the severity of the incident. Follow up with contact to the California Division of Workers' Compensation (CDWC).

### Personal Protective Equipment Policies

Application of pesticides and fungicides requires personal protective equipment, including respirators, Tyvek suits, and gloves. It is the applicator's responsibility to ensure safety in the field. The farm manager is responsible for furnishing, applying, and informing of the appropriate uses associated with such products.

Applicators are required to acquire an Operator ID through the Agriculture Commissioner via the Pesticide Handling Training Program (PHTP). This would involve training applicators about labels, cautions, and recommended Personal Protective Equipment (PPE). Pesticide PPE would be stored onsite and separately from fertilizers, pesticides, and fungicides. Restricted Entry Intervals (REI) would be imposed and posted after application of chemicals to prevent exposures.

Additional PPE provided onsite for any processing labor would include access to gloves and dust masks by employees during drying, processing, and packaging.

It is the responsibility of managers/supervisors to ensure that PPE policies are followed during appropriate working conditions. In the event of product application by an employee, the applicator must be designated an operator ID and is required to employ the proper PPE during application, as well as abide by label warnings in the event of exposure, poisoning, or a spill.

Processors may be required by State law to employ PPE equipment for the duration of their shifts to ensure no exposure to and/or contamination from a product.

All laborers must be made aware of REI and tangible notification of the recommended REI after the application of pesticides, fungicides, and other chemical applications.

### Occupancy & Structural Guidelines

The general environments in which laborers would work include the field and within the proposed processing building. The environments in which any agricultural activity would occur would follow all guidelines (per agricultural and labor oversight agencies). The facility would need to meet commercial building standards in accordance with California Building Codes and would be made compliant with the American with Disabilities Act (ADA) and Architectural Barriers Act (ABA).

Any housings, buildings, and structures would be subject to California Building Code (CBC), including possible permitting requirements, inspections, and certificate(s) of occupancy. Additionally, specific exemptions exist that pertain to agricultural standards under the Occupational Safety and Health Administration (OSHA) and in conformance with the Occupational Safety and Health Guidelines (OSHG) (unless the Project meets certain exemptions, such as being a family-owned and operated business, does not offer temporary labor housing, or employs fewer than 10 employees at any given time). In other such cases, the site would need to comply with OSHA Guidelines pertaining to agricultural employment.

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### Notification of Occupancy & Terms

As per the DIR and the US-DOL, all notices and labor postings would be provided and visible to all onsite employees. Any notification of occupancy status and terms of employee occupancy would be posted in compliance with all local, State, and Federal laws governing agricultural employers under the following regulatory bodies and regulations:

- California Agricultural Labor Relations Act (CALRA).
- California Occupational Safety & Health Administration (Cal/OSHA).
- Department of Industrial Relations (DIR).
- State and National Agricultural Labor Relations Board (CLRB & NLRB).
- U.S. Department of Labor (US-DOL).

### Maintenance of Sanitary Facility

To help ensure the quality of finished product, a clean working environment would be maintained during the drying, curing, processing, and packaging stages of cultivation. Among other benefits, this would prevent potential contamination between crop batches. All product would be batch tested prior to processing. In the event of a recall, it would be assured that each batch or variety has not become contaminated during these stages within the processing facility.

### Dust Control Measures

In the event of high dust levels, all processing environments would maintain clean working areas to prevent potential dust exposure to employees.

To ensure product quality and to prevent potential contamination of processing environments, certain dust control measures would be implemented. These measures would include maintenance of sanitary working environments and possible implementation of air filtration systems.

### Water Access & Facilities

The Project site would provide employees with access to the following facilities/resources within reasonable proximity to work areas:

- Handwashing facilities (*processing area*).
- Onsite potable water (*work areas*).
- Restroom facilities (*processing area*).

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## Contingency Plan

In accordance with specifications provided by the DEH and the California Unified Program Act (CUPA)—to meet the business plan criteria required to ensure compliance with regulations that are intended to protect public health and the environment—this section addresses water production (including well construction) and the handling of onsite wastewater, solid waste, and hazardous materials.

### Summary

The Contingency Plan addresses onsite wastewater and hazardous wastes, solid waste removal and recycling, water production and well construction, hazardous materials handling, agricultural product storage, and chemical spill procedures and handling guidelines.

Material Safety Data Sheets (MSDS) for all fertilizers, soil amendments, and pesticides would be made available onsite. If requested, all equipment maintenance performed onsite would be listed/described. Per California Department of Food and Agriculture (CDFA) regulations, chemicals would be stored separately from fuels, oils, and similar products. Fertilizers and pesticides, specifically, would be stored in locked containment within an outdoor structure.

Chemical spills would be handled and reported per directions in the Project's Chemical Spill Procedure.

Common waste products that would be used or generated onsite include:

- Fertilizers.
- Fuels.
- Household chemicals.
- Human refuse.
- Human waste.
- Pesticides/herbicides/fungicides.

To ensure mitigation of potential pollution of grounds, nearby waterways, and ecological habitats, the proper treatment, storage, removal, and overall security of potentially polluting products would be ensured via use of dedicated areas and containers that are covered and watertight.

## Project Waste Management

The sections below address the Project-specific details, impacts, and procedures for handling waste products.

### Project Specific Details

A primary residence, garage, and auxiliary agricultural structures support the site. The site also features an existing residence that will support all drying and processing activities. Solar panels support the project sites energy needs with exception of back-up generator use. The Sponsor has identified that the operation requires five (5) persons during peak staffing to perform seasonal work activities. It is estimated that peak staffing would occur for a duration of approximately two (2) weeks (cumulative) throughout the active working parts of the season.

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### Onsite Wastewater/Hazardous Wastes

The proposed Project location is equipped with two composting toilets that are adjacent to residential structures. Persons would utilize the composting toilet systems for regular uses. Further inspections may be required to identify the system's ability to support increased use during peak seasonal work times and whether it requires an upgrade to meet commercial standards.

### Waste Management Standards

As per the CCR, Title 8, § 3457, which addresses field sanitation standards, the cultivation site is required to provide access to waste facilities within one-quarter (1/4) mile or a five (5) minute walk, whichever is shorter.

If the primary septic system is not within this accessibility threshold, a portable facility or pit privy may be provided in lieu of septic to support waste activities. The standards for portable waste facilities are as follow:

- Toilet facilities: Shall be always operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.
- Chemical toilet wastewater tank: Shall be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall prevent splashing on the occupant, field, or road.
- Chemical tanks: Contents shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity, a suitably sized and constructed holding tank approved by the local health department, or any other method approved by the local health department.
- Privies: Shall be moved to a new site or taken out of service when the pit is filled within two (2) feet of the adjacent ground surface. When the privy is moved, the pit contents will be covered with at least two (2) feet of well-compacted dirt.

### Hazardous Materials Handling

Solar power energy supports the energy needs of the structures or cultivation activities support the Project. A back-up generator is available for emergency uses. Other fuels may be used for small equipment and machinery and may include gasoline, oils, and diesel. All fuels used for equipment would be stored per the (CUPA) fuel and chemical storage guidelines.

To meet environmental health standards, applicants must maintain a list of and describe all compressed gases, cleaners, and sanitizers (including, but not limited to, household chemicals, bleach, and alcohol) and document quantities stored onsite. Fuels, pesticides, and other agricultural/household chemicals are required to be stored in locked containment, separate from other input products. Any substance in use shall be accompanied by a posted notification that clearly identifies its nature. To prevent spills onto ground surfaces, any motors, fuel containers, etc. would be stored in drop pans and within an enclosed area.

### Hazardous Material Standards

Quantities that trigger disclosure are based on the maximum amount onsite at any one time, as follows:

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- 55 gallons, 500 pounds, or 200 cubic feet (for 30 days or more at any time during a year).
- Any amount of hazardous waste.
- Category I or II pesticides.
- Explosives.
- Extremely hazardous substances (above the planning threshold).

MSDS for all fertilizers, soil amendments, and pesticides (including organically produced examples) would be furnished and made available onsite. Compressed gases, cleaners, and sanitizers are stored on the premises in the quantities outlined in the *Gases and Cleaners* inventory list that is maintained onsite.

Applicants are required under CUPA guidelines to list/describe all equipment maintenance performed onsite (including changing oil, antifreeze, etc.). Upon request, applicant will furnish information regarding ongoing maintenance of small machinery and equipment that is necessary to support cultivation activities.

#### Project Equipment Inventory

- Solar Power System
- Gas Powered Pump: From Storage to Gravity Tanks
- Gas Generator: Back Up Power
- Quad
- 2 Weed Eaters
- Roto-Tiller

#### Maintenance

Offsite.

#### Project Product Inventory

##### *Household Chemicals (N/A)*

- Not Applicable.

##### *Fuels/Oils (Equipment Shed)*

- Propane: Two (2) 25-Gallon Tanks
- Gasoline: 10-15 Gallons

##### *Fertilizers/Pesticides/Fungicides/Rodenticides (Fertilizer Shed)*

- Hohstadts Bulk Coco Coir Soil Mix
- Age Old Bloom and Grow: 5-Gallons
- Liquid Kelp: 1-Gallon
- Liquid Bone Meal: (OMRI) 2 ½ Gallons
- Cal-Mag: (OMRI) 5-Gallons
- Molasses: 5-Gallons
- HP-2 Concentrate: 32 oz.

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### Agricultural Product Storage

As per the DPR (enforced by CDFA or the local Agriculture Commissioner), Projects that utilize pesticides and fertilizers must meet guidelines pursuant to CCR, § 6670, Title 3, Division 6, *Pesticide, and Pesticide Control Operations*. General guidelines dictate that chemicals are to be stored separately from fuels, oils, and similar products. Fertilizers and pesticides would be stored in locked containment within an enclosed outdoor structure.

### Chemical Spill Procedure/Handling

In the event of emergency spills, the incident would be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911. The California Highway Patrol must be notified via 9-1-1 of spills occurring on highways in the State. The *Chemical Spill Procedure* would be followed and emergency services also contacted via 9-1-1. The procedure would follow the California Office of Emergency Services (Cal OES) *California Hazardous Materials Spill/Release Notification Guidance* (February 2014) and the (EPA) (Pacific Southwest, Region 9) *Chemical Spills Prevention and Preparedness* webpage.

In the State of California, many statutes require emergency notification of a hazardous chemical release, including:

- California Labor Code § 6409.1 (b).
- Government Code § 51018, 8670.25.5 (a).
- Health and Safety Code § 25270.8, § 25510.
- Public Utilities Code § 7673 (General Orders #22-B, 161).
- Title 42, U.S. Code § 9603, 11004.
- Vehicle Code § 23112.5.
- Water Code § 13271, § 13272.

In addition to statutes, several agencies have notification or reporting regulations:

- Title 8, CCR, § 342.
- Title 13, CCR, § 1166.
- Title 14, CCR, § 1722 (h).
- Title 17, CCR, § 30295.
- Title 19, CCR, § 2703, 2705.
- Title 22, CCR, § 66265.56 (j), § 66265.196 (e).
- Title 23, CCR, § 2230, 2250, 2251, 2260.
- Title 40, CFR, § 263 esp. § 263.30.
- Title 49, CFR, § 171.16.

### Solid Waste Removal/Recycling

All garbage will be contained within a holding structure and is to be removed no less than once per week. All waste and/or recycling materials will be processed by a permitted solid waste/recycling facility. The facility designated to receive waste products for this project is Eel River Resource Recovery.\

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### Water Production/Well Construction

The Project is supported by twenty-two (22) onsite water storage tanks totaling 76,500 gallons (see plot plan for location) supplied by and offsite Class II diversion (Idiot Gulch), located on Parcel No. 212-011-006, that is tributary to Leggit Creek currently support all domestic and cultivation uses.

Approximated water use for activities are denoted within the *Cultivation Schedule* under the Cultivation Plan. Monthly monitoring and annual reporting must be implemented to identify actual total uses for domestic and cultivation activities.

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## Security Plan

The Project's *Security Plan* includes product security, inventory management, and diversion prevention. Pertinent regulatory language includes the following:

Assembly Bill 604 (AB-604), Article 3, Mandatory Commercial Registration, § 26040 (5): "Security requirements, including, but not limited to, procedures for limiting access to facilities and for the screening of employees. The department shall require all registrants to maintain an accurate roster of any employee's name, date of birth, and relevant identifying information, which shall be available for inspection by the department or State or local law enforcement upon demand."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(3): "Operating and inventory control procedures to ensure security and prevent diversion."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(4): "Detailed operating procedures for the proposed facility, which shall include, but not be limited to, provisions for facility and operational security, prevention of diversion, employee screening, storage of medical cannabis, personnel policies, and recordkeeping procedures."

### Summary

The Security Plan details efforts to prevent loss and diversion of medical cannabis product at all stages of its cultivation and processing, including drying, trimming, curing, processing, and packaging. Robust recordkeeping would be implemented and maintained for quality assurance, inventory management, and prevention of diversion.

### Measures of Security

Several security measures would be involved in the comprehensive protection of medical cannabis product during the cultivation and processing lifecycles. These include exterior lighting, alarms, cameras and video capture, and the hardening of doors, windows, and fencing.

Security measures for this project would encompass, at a minimum:

- Locked containment for product processing and storage (to be developed).
- Locked gate(s) into property entrance point.
- Surveillance and monitoring systems (to be developed as per the State's requirements).

### Inventory Management

A rigorous system of recordkeeping and reporting would be facilitated to adhere to the State's Track and Trace requirements of all cannabis products. This would include (but not be limited to) flower, trim, and stem to ensure zero diversion of product throughout processing.

To prevent loss and diversion, all cannabis products would be stored under locked containment during the drying, curing, and packaging phases of processing. Products would also be subject to conformance with a checks and balances system to ensure the prevention of unintentional diversion.

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### Prevention of Diversion

The most vulnerable stage of product security is transit to retail outlets. The best way to ensure product safety and prevention of diversion and loss is to maintain adequate chain of custody records via the Agricultural Commissioner.

This would occur under the oversight of the CDFA, in congruence with SICPA's Track and Trace Program. Additionally, retail outlets would be informed of expected delivery quantities. This would include packing slips, tamper-evident seals, verification of credibility, liability coverage, and manifests provided by licensed transporters.

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## Appendices

The following regulatory information sources contributed to the development of this narrative.

### Source Guide for Federal & State Requirements for Employee & Migrant Housing

#### Housing Standards/Requirements for Employee/Migrant Housing Caretakers

##### *Health & Safety*

- First Aid.
- Communicable Diseases.
- Hand Washing, Bathing, and Laundry.
- Cooking, Kitchen, and Mess Halls.
- Garbage and Refuse.
- Insects and Rodents.

##### *Occupancy & Structural Guidelines*

- Housing Site.
- Housing Structure.
- Postings of Required Information.
- Permit to Operate Housing.
- Mobile Homes, Recreational Vehicles, and Commercial Modular.
- Tents.
- Construction and Repair.
- Fire Safety.
- Electrical.
- Lighting.
- Heating.
- Liquid Propane (LP) Gas.

##### *Waste Management*

- Toilets.
- Water Supply.
- Screens.
- Sewage.

##### *Enforcement*

- Enforcement and Penalties.
- Remediation and Mitigation.

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## Sources of Additional California Regulatory Information

| <b>SOURCES OF ADDITIONAL INFORMATION</b>   |   |   |   |   |   |  |   |   |   |  |  |  |   |  |
|--|---|---|---|---|---|--|---|---|---|--|--|--|---|--|
| <p>More specific information can be obtained by:</p> <p><b>1. Review of the following reference documents at law and public libraries:</b></p> <ul style="list-style-type: none"> <li>California Health and Safety Code, Division 13, Part 1, beginning with Section 17000.</li> <li>California Code of Regulations, Title 25, Chapter 1, beginning with Section 600.</li> <li>California Code of Regulations, Title 24, California State Building Code.</li> <li>Federal Migrant and Seasonal Agricultural Worker Protection Act</li> <li>Code of Federal Regulations, Title 29, Parts 500 through 500.270.</li> <li>Code of Federal Regulations, Title 29, Part 1910.142 (OSHA Reg.)</li> </ul> <p><b>2. Obtaining or purchasing copies of documents as follows:</b></p> <ul style="list-style-type: none"> <li><b>CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 13, PART 1</b> (Employee Housing Act ) can be purchased from:<br/>West Publishing Company, PO Box 64526, St. Paul, MN; telephone 800-328-4880.</li> <li><b>CALIFORNIA CODE OF REGULATIONS, TITLE 25, CHAPTER 1, and the CALIFORNIA CODE OF REGULATIONS, TITLE 24.</b><br/>Can be purchased from:<br/>Barclays Law Publishers, Attention: CCR/Agency Services Representative<br/>400 Oyster Point Blvd., PO Box 3006, South San Francisco, CA. 94083<br/>800-888-3600 or on the internet at <a href="http://www.leginfo.ca.gov/calaw.html">http://www.leginfo.ca.gov/calaw.html</a></li> <li><b>MIGRANT AND SEASONAL AGRICULTURAL WORKERS PROTECTION ACT and OSHA REGULATION 1910.142.</b><br/>Can be obtained by contacting the Wage and Hour Division of the U.S. Department of Labor offices as shown on this page or on the internet at, <a href="http://www.dol.gov/esa/whd/mspa/index.htm">http://www.dol.gov/esa/whd/mspa/index.htm</a></li> </ul> <p><b>3. Contacting the appropriate government offices listed below:</b></p> <p><b>If the housing is located in one of the following counties contact the county office listed below:</b></p> <table border="0"> <tr> <td><b>Fresno</b><br/>Environmental Health Systems<br/>1221 Fulton Mall, 3<sup>RD</sup> Floor<br/>Fresno, CA 93775-1867<br/>(559) 445-3391</td> <td><b>Kern</b><br/>Environmental Health<br/>2700 M. Street, Suite 300<br/>Bakersfield, CA 93301<br/>(661) 862-8700</td> <td><b>Merced</b><br/>Environmental Health<br/>777 W. 22<sup>ND</sup> St.<br/>Merced, CA 95340<br/>(209) 381-1100</td> <td><b>Orange</b><br/>Environmental Health Div.<br/>2009 E. Edinger Avenue<br/>Santa Ana, CA 92705<br/>(714) 667-3600</td> </tr> <tr> <td><b>Monterey</b><br/>Environmental Health<br/>1270 Natividad Road<br/>Salinas, CA 93906<br/>(831) 755-4500</td> <td><b>Napa</b><br/>Environmental Health<br/>1195 Third Street, 101<br/>Napa, CA 94559<br/>(707) 253-4471</td> <td></td> <td></td> </tr> </table> |   |   |   | <b>Fresno</b><br>Environmental Health Systems<br>1221 Fulton Mall, 3 <sup>RD</sup> Floor<br>Fresno, CA 93775-1867<br>(559) 445-3391 | <b>Kern</b><br>Environmental Health<br>2700 M. Street, Suite 300<br>Bakersfield, CA 93301<br>(661) 862-8700 | <b>Merced</b><br>Environmental Health<br>777 W. 22 <sup>ND</sup> St.<br>Merced, CA 95340<br>(209) 381-1100 | <b>Orange</b><br>Environmental Health Div.<br>2009 E. Edinger Avenue<br>Santa Ana, CA 92705<br>(714) 667-3600 | <b>Monterey</b><br>Environmental Health<br>1270 Natividad Road<br>Salinas, CA 93906<br>(831) 755-4500 | <b>Napa</b><br>Environmental Health<br>1195 Third Street, 101<br>Napa, CA 94559<br>(707) 253-4471 |  |  | <p><b>Sacramento</b><br/>Environmental Health<br/>8475 Jackson Road, 240<br/>Sacramento, CA. 95826<br/>(916) 875-8484</p> <p><b>San Mateo</b><br/>Health Services Agency<br/>455 County Center, 4<sup>th</sup> Fl.<br/>Redwood City, CA 94063<br/>(650) 363-4305</p> <p><b>Stanislaus</b><br/>Environmental Res.<br/>3800 Cornucopia Way, Ste. C<br/>Modesto, CA 95358-9492<br/>(209) 525-6700</p> | <p><b>San Benito</b><br/>Building and Safety<br/>3224 Southside Road<br/>Hollister, CA 95023<br/>(831) 637-5313</p> | <p><b>San Joaquin</b><br/>Public Health Services<br/>304 E. Weber Ave.<br/>Stockton, CA 95202<br/>(209) 468-3426</p> <p><b>Santa Cruz</b><br/>Health Services Agency<br/>701 Ocean Street, Rm 312<br/>Santa Cruz, CA 95060<br/>(831) 454-2022</p> <p><b>Tulare</b><br/>Resource Management Agency<br/>5961 S. Mooney Blvd<br/>Visalia, CA 93277-939<br/>1-800-228-6133</p> |
| <b>Fresno</b><br>Environmental Health Systems<br>1221 Fulton Mall, 3 <sup>RD</sup> Floor<br>Fresno, CA 93775-1867<br>(559) 445-3391  | <b>Kern</b><br>Environmental Health<br>2700 M. Street, Suite 300<br>Bakersfield, CA 93301<br>(661) 862-8700 | <b>Merced</b><br>Environmental Health<br>777 W. 22 <sup>ND</sup> St.<br>Merced, CA 95340<br>(209) 381-1100                              | <b>Orange</b><br>Environmental Health Div.<br>2009 E. Edinger Avenue<br>Santa Ana, CA 92705<br>(714) 667-3600 |   |   |  |   |   |   |  |  |  |   |  |
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| <p><b>STATE OF CALIFORNIA</b><br/><b>DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT</b><br/><b>DIVISION OF CODES AND STANDARDS</b></p>  |   |   |   |   |   |  |   |   |   |  |  |  |   |  |
| <p><b>NORTHERN CALIFORNIA:</b><br/>(North of Fresno County)<br/>9342 Tech Center Dr #550<br/>Sacramento, Ca. 95826<br/>(916) 255-2501</p>  |   | <p><b>SOUTHERN CALIFORNIA</b><br/>(South of Madera County)<br/>3737 Main Street, Ste 400<br/>Riverside, CA 92501<br/>(951) 782-4420</p> |   |   |   |  |   |   |   |  |  |  |   |  |
| <p><b>U.S. DEPARTMENT OF LABOR</b><br/><b>WAGE &amp; HOUR DIVISION</b></p>   |   |   |   |   |   |  |   |   |   |  |  |  |   |  |
| <p><b>LOS ANGELES</b><br/>300 South Glendale Ave., 400<br/>Glendale, CA. 91205-1752<br/>(818) 240-5274/75</p>  |   | <p><b>SAN FRANCISCO</b><br/>455 Market St., 800<br/>San Francisco, CA. 94105<br/>(415) 744-5590</p>                                     |   |   |   |  |   |   |   |  |  |  |   |  |
| <p><b>WEST COVINA</b><br/>100 North Barranca St., 850<br/>West Covina, CA. 91791<br/>(626) 966-0478</p>  |   | <p><b>SACRAMENTO</b><br/>2800 Cottage Way, Rm. W-1836<br/>Sacramento, CA. 95825-1886<br/>(916) 978-6123</p>                             |   |   |   |  |   |   |   |  |  |  |   |  |
| <p><b>SAN DIEGO</b><br/>5675 Ruffin Rd, 320<br/>San Diego, CA. 92123-1362<br/>(619) 557-5606</p>   |   |   |   |   |   |  |   |   |   |  |  |  |   |  |

## Federal Governing Bodies & Regulatory Framework

- U.S. Department of Agriculture.
- U.S. Environmental Protection Agency.
- Farm Labor Standards Act.
- Farm Bill 2014.
- Clean Water Act (CWA)/Safe Drinking Water Act (SDWA).
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- Resource Conservation & Recovery Act (RCRA).
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA/Superfund).
- Clean Air Act (CAA).
- Emergency Planning & Community Right to Know Act (EPCRA).

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## Summary of Employment Requirements for California Agricultural Employers

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- Introduction.
- New and Updated Materials.

### Cal/OSHA

- Cal/OSHA Safety and Health Requirements.
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- Injury and Illness Prevention Program.
- Field Sanitation.

### Definitions

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- Drinking Water Requirements.
- Toilet and Handwashing Facilities.
- Location.
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### Heat-Illness Prevention

- Personal Protective Equipment (PPE).
- Tree Work Maintenance or Removal.
- Personal Protective Equipment Checklist.
- First Aid and CPR.
- Cleaning, Repairing, Servicing, and Adjusting Machinery and Equipment.
- Operation of Agricultural Equipment.
- Transporting of Employees.
- Manual Lifting and Carrying.
- Tools.
- Working at Heights.
- Mounted Air Compressors and Air Tanks.

### Emergency Action Plan

- Fire Prevention Plan.
- Access to Medical and Exposure Information.

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### Hazard Communication Program

- Respiratory Protection.
- Storage of Hazardous Substances.
- Top 10 Cal/OSHA Violations in Agricultural Operations.
- Other Safety Issues.
- Safety Training.
- Specific Training Requirements.
- Hearing Conservation.
- Ergonomics standard.
- Tractor Roll Over Protection.

### Injury and Illness Prevention Program

- Formula for Improved Injury Prevention.
- Steps to Successful Compliance.
- Responsibilities of the Safety Coordinator.
- Include a system for ensuring that employees comply.
- Summary of Employment Requirements for California Agricultural Employers Training.
- Discipline.
- Recognition.
- Safety Compliance Program.
- Communicating with Employees.
- Identifying and Evaluating Workplace Hazards.
- Safety Incident Investigation.
- Training and Instruction.
- Safety Program Records.
- Other Safety Records.

### Pesticides

- Pesticide Safety Regulations.
- Employer/Employee Responsibilities.
- Hazard Communication.
- Training.
- Labels and Other Warnings.
- Emergency Medical Care.
- Restricted Entry Interval.
- Early Entry Requirements.
- Respiratory Protection.

### Pesticide Postings

- I-8 and I-9

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### Wage-and-Hour Requirements

- Minimum Wage.
- State Exceptions.
- Credits Against Minimum Wage for Meals and Lodging.
- Piece Rates.
- Travel Time.
- Waiting Time.
- Preparation Time.
- Overtime.

### Federal & State Wage Provisions

- IWC Order No. 4.
- IWC Order No. 8.
- IWC Order No. 13.
- IWC Order No. 14.
- Overtime Rules under Order No. 14.
- Overtime Rules under Order Nos. 4, 8, and 13.
- Which IWC Order Applies?
- Working Under Two IWC Orders.
- Federal Complication.
- Winery Employment.
- Cold-Storage Activities.
- Figuring Overtime Pay.
- Workweek Defined.
- Workday Defined.
- Overtime Exemptions – State.
- Executive, Administrative, or Professional Employees.
- Executive Exemption.
- Administrative Exemption.
- Professional Exemption.
- Outside Salespersons.
- Commissioned Inside Salespersons.
- Truck Drivers.
- Parents, Spouse, or Children.
- Irrigators.
- Part-Time Employees.
- Make-Up Time.
- Summary of Employment Requirements for California Agricultural Employers.
- Truck Drivers.

### Federal Provisions & California Provisions

- Weekend or Holiday Overtime.

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- Other Wage-Hour Issues.
- Split-Shift Premium Pay.
- Piece Rates and Commissions.
- Bonuses' Effect on Overtime Pay.
- Group Rate for Piecework.
- Non-Piece-Producing Work Time of Piece-Rate Employees.
- Exempt Salaried Employees - Salary Deductions.
- Summary of Allowed Salary Deductions.
- Summary of Illegal Salary Deductions.
- Non-Exempt Salaried Employees.
- Clerical and Office Staff.
- Mechanics.
- Housing Employees.
- Workers' Compensation Premiums.
- Taxes.
- Workday and Workweek.
- Paid Time Off and Hours Worked.
- Paydays.
- Workers Employed by Farm Labor Contractors.
- Employees Boarded and Lodged.
- All Other Agricultural Employees.
- Executive, Administrative, and Professional employees.
- Payroll Deductions and Offsets Against Wages.
- Lawful Deductions.
- Garnishment of Wages.
- Employer May Not Collect or Receive Wages Paid Employee.
- Self-Help by Employers to Recover Unliquidated Sums.
- Losses Resulting from Simple Negligence.
- Discipline as an Alternative.
- Loss Suffered from an Employee's Dishonest or Willful Act or Gross Negligence.
- Deductions for Loans Made to Employees.
- Any Deduction Must be for Direct Benefit of Employee.
- Specific Deductions.
- Deductions Allowed by IWC Orders – Caveat.
- Deduction for Tardiness.
- Final Pay.
- Discharged or Laid Off.
- Quitting Employee.
- Waiting-Time Penalty.
- Working Conditions.
- Rest Periods.
- Meal Periods.

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- Day's Rest.
- Accommodation.
- Reporting-to-Work Pay.
- Tools.
- Uniforms.
- Personal Protective Equipment – Indemnification.
- Vacations.
- Holidays.
- Sick Pay.
- Severance Pay.
- Pension Plans.
- Health Insurance.
- Summary of Employment Requirements vi for California Agricultural Employers Different Health Insurance for Different Employees.
- Discontinuance of Health Insurance During Workers' Compensation Disability.
- Leaves of Absence - Time Off from Work.
- Pregnancy-Disability Leave.
- Family and Medical Leave Act and California Family Rights Act.
- Court Duty.
- Time Off for Crime Victims.
- Emergency Duty as a Volunteer Firefighter.
- Time Off to Participate in a Child's Daycare Facility or School Activities.
- Time Off to Appear at School at School's Request.
- Time Off to Vote.
- Drug and/or Alcohol Rehabilitation.
- Literacy Assistance.
- Temporary Military and/or Reserve Duty Leave.
- Military-Spouse Leave.
- Mass Layoff/Plant Closure (WARN Act).
- Federal WARN Act.

#### Definitions

- California WARN Act.
- Farm Labor Contractors.
- Responsibilities of a Grower Using a Farm Labor Contractor (FLC).
- Independent Contractor Reporting.
- Land-Management Services.
- Migrant and Seasonal Agricultural Worker Protection Act (MSPA).
- Coverage Under the MSPA.
- Employer Coverage.
- Farm Labor Contractor Coverage.
- Employee Coverage - Migrant or Seasonal Agricultural Workers.

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### Additional Definition of Terms

- Migrant Agricultural Worker Exemption.
- Seasonal or Another Temporary Basis Defined.
- Field Work Defined.
- Overview of MSPA Requirements.
- Joint Employer Relationship.
- MSPA Requirements for All Entities.
- MSPA Requirements for Farm Labor Contractors.
- Contracts for Labor or Services.
- Penalties.
- Private Right of Action.
- Specific Requirements for Farm Labor Contractors.
- Checklist of Farm Labor Contractor (FLC) Requirements.
- Employer Tax Registration Requirements.
- California Employer Identification Number.
- California Franchise Tax Board.
- Internal Revenue Service (IRS).
- Insurance and Bonding Requirements.
- Workers' Compensation Insurance Coverage.
- Vehicle Liability Insurance.
- Farm Labor Contractor Bonding.
- Farm Labor Contractor Registration and License Requirements.

### General

- Federal Registration.
- State Farm Labor Contractor License Requirements.
- State License.
- Responsibilities of a Grower or FLC Using an FLC.
- Application.
- Summary of Employment Requirements for California Agricultural Employers.
- Farm Labor Contractor Examination.
- Continuing Education.
- Laws Relating to Farm Labor Contractor Employment of Employees.
- FLC Supervisors.
- Worker Recruitment.
- Statement of Unpaid Wage Judgments.
- Grounds for Losing a Farm Labor Contractor License.
- Penalties.
- Penalties for Failures to Pay Wages.
- County Agricultural Commissioner Registration.
- Workers' Compensation.
- Premiums.

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- Coverage.
- Employee Exclusions.
- Responsibilities of Employers.
- Reportable Injury.
- Notice of Injury by Employee.
- Employee Claim Form.
- Physician or Chiropractor Designation.
- Disability Benefit Payments.
- Medical Treatment.
- Premium Calculations.
- Traveling to or From Work.
- Exclusive Remedy; Exceptions.
- Serious and Willful Misconduct.
- Illegally Employed Minors.
- Discrimination - Labor Code Section 132a.
- Penalties.
- Postings.
- Employment Insurance.
- Unemployment Insurance.
- Covered Employers.
- Experience Rating.
- Employer Account Number.
- Required Records.
- Time Limits of Records.
- Posting and Notice Requirements.
- Written Notice to Employee.
- Penalties.
- Disability Insurance and Paid Family Leave.
- Benefits of California SDI Coverage.
- Paid Family Leave Program.
- Child Labor.
- Work Permits.
- Agricultural Zone of Danger.
- Child Labor Summary.
- Exemption for One's Own Children.
- Minimum Age Standards General.
- Permits to Work and to Employ.
- Recordkeeping.
- Hours of Work.
- Spread of Hours.
- Restricted and Hazardous Occupations.
- Posting of Notice.

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- Wages.
- Citations and Penalties.
- Posting Requirement.
- Transportation.

## Summary of Employment Requirements for California Agricultural Employers Transportation of Interstate Commerce Act (ICA) Regulations

- Migrant and Seasonal Agricultural Worker Protection Act (MSPA).
- FLC Transportation of Worker.
- Vehicles Covered Under Regulations Developed by DOL.
- Exempt Vehicles.
- Rules Which Apply to All Vehicles.
- Vehicle Insurance Requirements.
- Vehicle Safety Regulations Developed by the DOL.
- State Statutes and Regulations.
- Farm Labor Vehicles.
- Vehicle Inspections.
- Vehicle Drivers.
- Farm Labor Vehicles.
- Farm Labor Vehicle Equipment.
- Pickup, Flatbed, and Dump Trucks.
- Trucks.
- Carrier or Employer Responsibility.
- Cal/OSHA.
- Liabilities Relative to Transportation.
- Tractor-Driver Licensing Requirements.
- Transporting Employees.
- Operation on Public Highways.
- Transportation Provided by Supervisors.

## Housing

- State Coverage.
- Cal/OSHA Requirement.
- Fees for Permits and Inspections.
- Prohibitions.
- Federal Coverage.
- Penalties.
- Credits Against Minimum Wage for Meals and Lodging.
- Impact of Housing Employees.
- Evictions; Housing Agreements.
- Agricultural Labor Relations Act (ALRA).

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- Agricultural Labor Relations Board (ALRB).
- Coverage under the ALRA.

### Definitions

- Agricultural Employer.
- Farm Labor Contractor.
- Supervisor.
- Agricultural Employees.
- Union.
- Concerted Activities.
- Unfair Labor Practice.
- Union Elections and Collective Bargaining.
- Mandatory Mediation Order.
- Union Access.
- Unfair Labor Practices.
- Strikes, Picketing and Economic Boycotts.
- Remedies for Unfair Labor Practices.
- ALRB Remedies.
- Discrimination.
- Discrimination - General Background.
- Federal.
- California.
- Other Laws.
- Protected Categories and Definitions.
- Summary of Employment Requirements for California Agricultural Employers.
- Ancestry, Race, Color, and National Origin.
- Sex Discrimination.
- Supervisor Harassment Training.
- Sexual Orientation.
- Gender Identity Discrimination and Harassment.
- Pregnancy, Childbirth, and Related Medical Conditions.
- Marital Status.
- Age Discrimination.
- Disabilities.
- Reasonable Accommodation.
- Pre-Job-Offer Inquiries.
- Post-Job-Offer, Pre-Employment Medical Examinations.
- Employee Examinations.
- Alcohol and Other Drugs.
- Religious Discrimination.
- Discrimination - Other Laws.
- Privacy in Employment.

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- Employee's Off-Work Activities.
- Garnishments.
- Return to Work Due to Medical Absence.
- Employers with one or more employees.
- Employers regularly employing five or more employees.
- Pregnancy Disability.
- Reporting Requirements - EEO-1.
- Applicant Identification Records.
- Harassment.
- Types of Sexual Harassment.
- Quid Pro Quo.
- Hostile or Offensive Work Environment.
- Duty to Prevent Sexual Harassment by Non-Employees.
- Notices, Posters, Disclosures and Records.
- Notices and Disclosures.

#### U.S Department of Labor

- Wages and Hours - Federal.
- Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA).
- Patient Protection and Affordable Care Act.
- Wage and Hour Regulation - State IWC Orders.
- Industrial Welfare Commission (IWC).
- Payday Notice.
- Statement of Wages.
- Compensation Notice.
- Farm Labor Contractor Rate of Compensation.
- Commissioned Employee - Written Contract Requirement.
- Migrant and Seasonal Agricultural Worker Protection Act (MSPA).
- General MSPA Poster.
- Worker Information.
- Housing Terms and Conditions.
- National Labor Relations Act (NLRA) Employee Rights.
- Employment of Minors.
- Employment Development Department (EDD).
- Equal Employment Opportunity is the Law.
- Equal Employment Opportunity is the Law.
- Age Discrimination is Against the Law.
- Family and Medical Leave Act (FMLA).
- California Fair Employment and Housing Commission (FEHC).
- Pregnancy-Disability Leave.
- California Family Rights Act (CFRA).
- Discrimination in Employment is Prohibited by Law.

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- Summary of Employment Requirements for California Agricultural Employers.
- Time Off to Vote.
- Housing and Meals.
- Operators of Labor Camps.
- Amounts Charged for Meals and Lodging.
- Fair Housing is the Law.
- Cal/OSHA.
- Safety and Health Protection on the Job.
- Cal/OSHA Form 300A.
- Field Sanitation Facilities.
- Access to Medical and Exposure Records.
- Agricultural - Industrial Tractors.
- Operating Rules for Industrial Trucks.
- Handwashing Water.
- California Safe Drinking Water and Toxic Enforcement Act.
- Pesticide Postings.
- Posting of Pesticide Storage Areas.
- Emergency Medical Care.
- Emergency Medical Services.
- Field Postings.
- Irrigation.
- Fumigants.
- Application-Specific Information for Field Workers.
- Pesticide Safety Information Series A-8.
- Pesticide Safety Information Series A-9.
- Workers' Compensation.
- Notice of Compensation Carrier.
- Medical Provider Network Information.
- Off-Duty Recreation.
- Written Notice to New Employees.
- Employee Polygraph Protection Act.
- Whistleblower Hotline.
- Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Mass Layoff/Plant Closure (WARN).
- Human Trafficking/Slavery Notice.
- Recordkeeping and Reports.
- Cal/OSHA.
- Field Sanitation Report.
- Recordkeeping.
- GISO § 3203.
- Department of Pesticide Regulation.
- Employment Development Department.

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- Wages and Payroll.
- Statement of Wages.
- Recording Hours Worked.
- Payroll and Related Records.
- Workday and Workweek.
- Personnel Records.
- Job Applications; Personnel Records.
- Records That Must be Kept.
- Immigration.
- CIS Form I-9.
- Farm Labor Contractor (FLC).
- FLC License.
- FLC Payroll Records.
- Leave of Absence.
- Family and Medical Leave Act.
- California Family Rights Act.
- Discrimination.

#### Summary of Employment Requirements for California Agricultural Employers

- Applicant Identification Records.
- EEOC EEO-1 Report.
- Recordkeeping and Inspection Requirements.
- Inspection and Copying of Personnel Files.
- Inspection and Copying of Payroll Records.
- Workers' Compensation.
- Employee Claim Form.
- Form to Indicate Physician or Chiropractor.
- Child Labor.
- Permit to Employ and Work Permit.
- Date of Birth.
- Checklist of Forms and Reports.

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## Glossary of Abbreviations & Definitions

**AAPCC:** American Association of Poison Control Centers

**AB:** Assembly Bill

**ABA:** Architectural Barriers Act

**ADA:** Americans with Disabilities Act

**ALRA:** Agricultural Labor Relations Act

**ALRB:** Agricultural Labor Relations Board

**APN:** Assessor's Parcel Number

**AUMA:** Adult Use Marijuana Act (Prop 64)

**BCC:** Bureau of Cannabis Control

**BMCR:** Bureau of Medical Cannabis Regulation

**BMP:** Best Management Practices

**BOE:** Board of Equalization

**CAC:** County Agricultural Commissioner

**Cal OES:** California Office of Emergency Services (*See also OES*)

**CALRA:** California Agricultural Labor Relations Act

**CALRB:** California Agricultural Labor Relations Board

**CBC:** California Building Code

**CBO:** Cannabis Board Order

**CCR:** California Code of Regulations (also Cal. Code Regs.)

**CDFA:** California Department of Food and Agriculture

**CDFFP:** California Department of Forestry and Fire Protection (CAL FIRE)

**CDF:** California Department of Fire

**CDFW:** California Department of Fish and Wildlife

**CDIR:** *Also see DIR:* California Department of Industrial Relations

**CD:** Community Development

**CDPH:** California Department of Public Health

**CDWC:** California Division of Worker's Compensation

**CEH:** Center for Environmental Health

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**CEQ:** Council on Environmental Quality  
**CEQA:** California Environmental Quality Act  
**CFR:** Code of Federal Regulations  
**CFSAN:** Center for Food Safety and Applied Nutrition  
**CLRB:** California Labor Relations Board  
**CSLB:** California State Licensing Board  
**CMCLUO:** Commercial Medical Cannabis Land Use Ordinance  
**CP:** Community Planning  
**CPD:** County Planning Department  
**CPRC:** California Public Resources Code  
**CSWC:** California State Warning Center  
**CUPA:** California Unified Program Act  
**DCA:** Department of Consumer Affairs  
**DD:** Development Department  
**DEH:** Division of Environmental Health  
**DFEH:** Department of Fair Employment and Housing  
**DHHS:** Department of Health and Human Services  
**DIR:** Department of Industrial Relations  
**DLSE:** Department of Labor Standards Enforcement  
**DL-WHD:** Department of Labor, Wage and Hour Division  
**DOL:** Department of Labor  
**DPH:** Department of Public Health  
**DPR:** Department of Pesticide Regulation  
**DWC:** Division of Workers' Compensation  
**DWR:** Division of Water Rights  
**EEOC:** Equal Employment Opportunity Commission  
**EIR:** Environmental Impact Report  
**EPA:** Environmental Protection Agency  
**FLC:** Farm Labor Contractor  
**FLSA:** Fair Labor Standards Act  
**GAP:** Good Agricultural Practices

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**GHP:** Good Handling Practices  
**GP:** General Plan  
**HIPP:** Heat Injury Prevention Plan  
**HSC:** Health and Safety Code  
**HUC:** Hydrologic Unit Code  
**IIPP:** Injury and Illness Prevention Program  
**IPM:** Integrated Pest Management  
**ISWDU:** Initial Statement of Diversion and Use  
**LLC:** Limited Liability Company  
**LRDP:** Long Range Development Plan  
**LSA:** Lake and Streambed Alteration  
**LSAA-1600/1602:** Lake and Streambed Alteration Agreement  
**LC:** Labor Commissioner  
**MBC:** Medical Board of California  
**MCRSA:** Medical Cannabis Regulation and Safety Act  
**MND:** Mitigated Negative Declaration  
**MOU:** Memorandum of Understanding  
**MRP:** Monitoring and Reporting Program  
**MSDS:** Material Safety Data Sheet  
**MSPA:** Migrant Seasonal Protection Act  
**NCRWQCB:** North Coast Regional Water Quality Control Board  
**ND:** Negative Declaration  
**NEPA:** National Environmental Policy Act  
**NLRB:** National Labor Relations Board  
**NMBC:** Non-Profit Mutual Benefit Corporation  
**NOE:** Notice of Enrollment  
**NOI:** Notice of Intent  
**NOP:** National Organic Program  
**NRCS:** Natural Resources Conservation Service  
**NWIC:** Northwest Information Center  
**OES:** Office of Emergency Services

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**OMCS:** Office of Manufactured Cannabis Safety  
**OMRI:** Organic Materials Review Institute  
**OPR:** Office of Planning and Research  
**OSHA:** Occupational Safety and Health Administration  
**OSHG:** Occupational Health and Safety Guidelines  
**OSHT:** Occupational Safety and Health Technician  
**PG&E:** Pacific Gas and Electric  
**PHTP:** Pesticide Handling Training Program  
**PPE:** Personal Protective Equipment  
**REI:** Restricted Entry Interval  
**SB:** Senate Bill  
**SDS:** Safety Data Sheets (*See also MSDS*)  
**SDU:** Small Domestic Use  
**SIU:** Small Irrigation Use  
**SOP:** Standard Operating Procedures  
**SWRCB:** State Water Resources Control Board  
**THPO:** Tribal Historical Preservation Office  
**USC:** United States Code  
**USCB:** United State Census Bureau  
**USDA:** United States Department of Agriculture  
**US-DOL:** United States Department of Labor  
**USDHHS:** United States Department of Health and Human Services  
**WBO:** Water Board Order  
**WDID:** Waste Discharge Identification  
**WHD:** Wage and Hour Division  
**WRPP:** Water Resource Protection Plan  
**WWD:** Waste Waiver Discharge Program

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## Other Relevant Sources

- Adult Use of Marijuana Act (AUMA), <http://bit.ly/2hTHGHw>.
- Agricultural Operations, Field Sanitation, California Code of Regulations, Title 8, § 3457, <http://bit.ly/2iDeHrW>.
- Best Management Practices (SWRCB), <http://bit.ly/2ji6JEK>.
- Bureau of Medical Cannabis Regulation, or Bureau of Marijuana Control, <http://bit.ly/2pb9Lkq>
- CalCannabis, <http://bit.ly/2qHl43T>
- California Building Code (CBC), <http://bit.ly/2ji3wFb>.
- California Code of Regulations, § 51018, <http://bit.ly/2iq7azr>.
- California Environmental Quality Act (CEQA), <http://bit.ly/2jigkLE>.
- California Field Sanitation Standards, <http://bit.ly/2iDeHrW>.
- California Hazardous Materials Spill/Release Notification Guidance, <http://bit.ly/2jpUR6i>.
- California Health and Safety Code, § 25270.8, § 25510, <http://bit.ly/2jtbkWX>.
- California Labor Code, § 6409.1 (b), <http://bit.ly/2j26HjC>.
- California Public Utilities Code, § 7673, <http://bit.ly/2ivtkR7>.
- California Water Code, § 13271, <http://bit.ly/2iq3Ggp>.
- Characteristic Hazardous Wastes, 22 CCR § 66261.21-66261.24, <http://bit.ly/2iq7pKF>.
- Commercial Medical Cannabis Land Use Ordinance (CMCLUO), <http://bit.ly/2jDgM7e>.
- Compassionate Use Act, <http://bit.ly/2f2Koud>.
- Contingency Plan and Emergency Procedures, California Code of Regulations, Title 22, CCR, § 66265.56, <http://bit.ly/2jDoiyG>.
- Detailed Hazardous Materials Incident Reports, Code of Federal Regulations, Title 49, CFR, § 171.16, <http://bit.ly/2iAmDZh>.
- Driving Offenses, California Vehicle Code, § 23112.5, <http://bit.ly/2jqfqb5>.
- EPA, Pacific Southwest, Region 9, *Chemical Spills Prevention and Preparedness* webpage, <http://bit.ly/2ivmEIX>.
- Farmers, CCR, Title 22, § 66262.70, <http://bit.ly/2ivuufu>.
- Guide for State and Federal Requirements for Employee/Migrant Housing, <http://bit.ly/2jYFimu>.
- Hazardous Material Release Reporting, California Code of Regulations, Title 19, CCR, § 2703, <http://bit.ly/2jigd2U>.
- Health and Safety Code (HSC), § 11362.777, <http://bit.ly/2ivoMdk>.
- Lake and Streambed Alteration Agreement (LSA-1600/1602), <http://bit.ly/2jS5NWV>.
- Medical Cannabis Regulation & Safety Act (MCRSA), <http://bit.ly/2j2mwqc>.
- National Environmental Policy Act (NEPA), <http://bit.ly/2fSvght>.
- NEPA CEQA Handbook, <http://bit.ly/2ivnyPg>.
- Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, <http://bit.ly/1AKXsYc>.
- Onshore Well Regulations, California Code of Regulations, Title 14, CCR, § 1722 (h), <http://bit.ly/2iAmbKi>.
- Office of Manufactured Cannabis Safety, <http://bit.ly/2qR3WoO>
- OSHA Guidelines, <http://bit.ly/Zhq1yc>.

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- Pesticide and Pesticide Control Operations, California Code of Regulations, § 6670, Title 3, Division 6, , <http://bit.ly/2iFhG4K>.
- Pesticide and Pesticide Control Operations, California Code of Regulations, § 6670, Title 3, Division 6, <http://bit.ly/2ivveB5>.
- Regulations for Implementing the Procedural Provisions of NEPA, <http://bit.ly/2ivt84d>.
- Reporting of Incidents Involving Hazardous Materials or Hazardous Wastes, California Code of Regulations, Title 13, § 1166, <http://bit.ly/2jtcX6J>.
- Reporting Work-Connected Fatalities and Serious Injuries, California Code of Regulations, Title 8, § 342: <http://bit.ly/2jS4dUU>.
- SB-643, Chapter 719, § 19302.1 (d), <http://bit.ly/2iAePXp>.
- Senate Bill 420, <http://bit.ly/2fy0zBj>.
- Solid Waste Storage and Removal Standards, California Code of Regulations, Title 14, Chapter 3, Article 5, <http://bit.ly/2jS8BmV>.
- Standards Applicable to Transporters of Hazardous Waste, Code of Federal Regulations, Title 40, Chapter I, Subchapter I, Part 263, <http://bit.ly/2j27jpc>.
- Statements of Water Diversions and Use, California Code of Regulations, § 5101, <http://bit.ly/2jigDWU>.
- Summary of Employment Requirements for California Agricultural Employers, <http://bit.ly/2j7mxJy>.
- Toxics, California Code of Regulations, Title 17, CCR, § 30295, <http://bit.ly/2jt3sVh>.
- U.S. Code, Title 42, § 9603, <http://bit.ly/2iAp7Xi>.
- Unique Identifier and Track and Trace Program, Article 7.5, § 19335 (a), <http://bit.ly/2jYFT7K>.
- United States Code, Title 42, Sections 4331 et seq., <http://bit.ly/2iFqgiE>.
- Waste Discharge Reports and Requirements, California Code of Regulations, Title 23, CCR, § 2230, <http://bit.ly/2iFoWxe>.

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

DIVISION OF WATER RIGHTS

**RIGHT TO DIVERT AND USE WATER**

REGISTRATION H501239

CERTIFICATE H100070

Right Holder: *Hal Hale*  
*PO Box 1817*  
*Redway, CA 95560*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 05/11/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

| Name of Diversion | Source         | Tributary To: | Thence               | Latitude | Longitude | County   | Assessor's Parcel Numbers (APN) |
|-------------------|----------------|---------------|----------------------|----------|-----------|----------|---------------------------------|
| Sunnyside         | Unnamed Stream | Leggit Creek  | South Fork Eel River | 40.1716  | -123.8558 | Humboldt | 212-011-006                     |

2. Purpose of Use and 3. Place of Use

| 2. Purpose of Use           | 3. Place of Use |                                 |       |
|-----------------------------|-----------------|---------------------------------|-------|
|                             | County          | Assessor's Parcel Numbers (APN) | Acres |
| Irrigation, Fire Protection | Humboldt        | 212-012-002                     | 0.04  |
| Irrigation, Fire Protection | Humboldt        | 212-011-005                     | 0.114 |

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 05/25/2018.

The place of use is shown on the map filed on 05/25/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.27 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.27313102 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

right holders shall comply with applicable conditions and requirements of Attachment A of the Cannabis Policy.

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

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

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

keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)

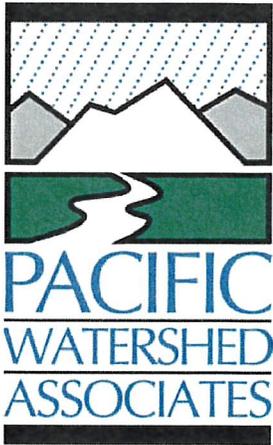
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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

Dated: 05/25/2018 14:08:13

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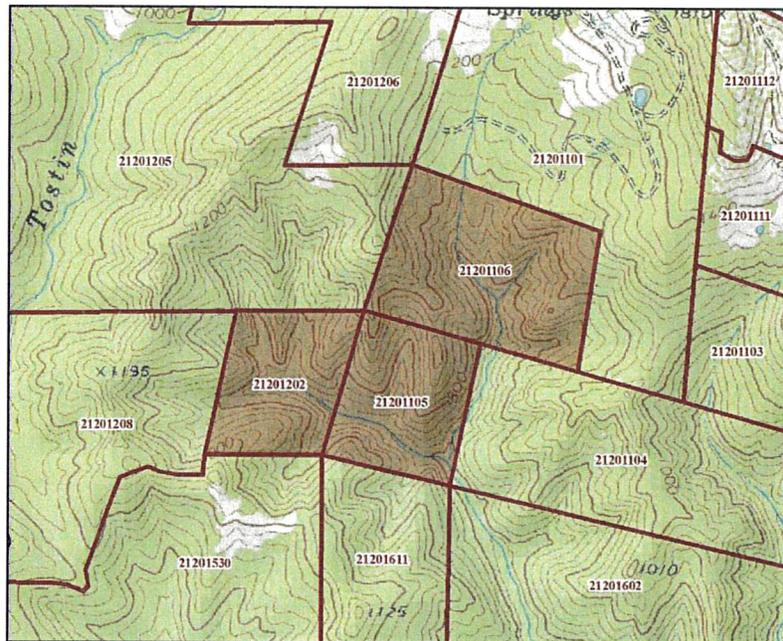
## Water Resource Protection Plan (WRPP)

*for*

APNs 212-011-005, 212-012-002 and 212-011-006

*Located at*  
Seely Creek Road  
Redway, California

March, 2017



*Prepared for:*

Hal Hale

WDID# 1B161464CHUM

PWA ID#180101060403-51540

Seely Creek Road, Redway, CA 95560

*Prepared by:*

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(707) 839-5130

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**Water Resource Protection Plan (WRPP)**  
**APNs 212-011-005, 212-012-002 and 212-011-006**  
**Seely Creek Road**  
**Redway, California**

**1.0 PROJECT SUMMARY**

This report documents Pacific Watershed Associate's (PWA) Water Resource Protection Plan (WRPP) for APNs 212-011-005, 212-012-002 and 212-011-006 located off Seely Creek Road, Redway, CA, as shown on Figure 1. This property is located approximately 3.75 miles northwest of Redway, Humboldt County, CA, and hereinafter is referred to as the "Project Site." Based on either site conditions and/or total cultivation area, this property falls within **Tier 2** of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023, Waiver of Waste Discharge and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects ("Order"). Properties that fall into Tier 2 of the Order are required to develop a WRPP. Therefore, as required, this WRPP has been developed for you based on site inspections made by PWA on your property. PWA's recommendations for any remediation or corrective actions are a result of water quality requirements under the Order, including Best Management Practices (BMPs) designed to meet those requirements (Appendix A). This WRPP documents the findings of a site visit conducted on November 7, 2016 by PWA professional geologist Randy Lew, when a reconnaissance level investigation of the property was conducted and the conditions of the property noted.

**2.0 CERTIFICATIONS, LIMITATIONS AND CONDITIONS**

This WRPP has been prepared by, or under the responsible charge of, a California licensed professional geologist or engineer at PWA and all information herein, including treatment recommendations, are based on observations, data and information collected by PWA staff.

This WRPP has been prepared to: 1) describe the general conditions of the property at the time of our inspection; 2) summarize the site conditions and how they relate to the NCRWQCB twelve (12) Standard Conditions of the Order; 3) provide recommendations for remediation and/or correction of existing or potential water quality threats or impacts; and 4) recommend work to be conducted on this property to meet the 12 Standard Conditions of the Order. The analysis and recommendations submitted in this WRPP are based on PWA's evaluation of the Project Site and your activities which fall under the Order.

In this WRPP, PWA has described the current conditions of the property and any water resource and water quality risk factors we observed at the time of our site inspection. PWA is not responsible for problems or issues we did not observe on our site inspection, or for changes that have naturally occurred or been made to the property after our site review. Site changes should be reported to PWA when they occur. The interpretations and conclusions presented in this WRPP are based on a reconnaissance level site investigation of inherently limited scope. Observations are qualitative, or semi-quantitative, and confined to surface expressions of limited extent and artificial exposures of subsurface materials. Interpretations of problematic geologic, geomorphic or hydrologic features such as unstable hillslopes, erosional processes and water quality threats are

based on the information available at the time of our inspection and on the nature and distribution of existing features we observed on the property.

PWA has also included recommendations for remediation and/or correction that are based on these observations. The recommendations included in this WRPP are professional opinions derived in accordance with current standards of professional practice, and are valid as of the date of field inspection. No other warranty, expressed or implied, is made. Furthermore, to ensure proper applicability to existing conditions, the information and recommendations contained in this report shall be regularly reevaluated and it is the responsibility of the landowner and/or lessee operating under the Order to ensure that no recommendations are inappropriately applied to conditions on the property that have changed since the recommendations were developed.

If site conditions have changed for any reason, the site should be reevaluated and the WRPP revised and updated as required. These conditions include any changes in land management activities or property conditions that have occurred since our site visit (regardless of what they are, how they occurred or who performed them). Similarly, if the landowner/lessee uses portions of this property not identified or covered under the current WRPP, this Water Resource Protection Plan will need to be updated with the new information, including possible additions or changes to the recommended remedial or corrective actions and BMPs (Appendix A).

If the property owner has enrolled their property under the Order, they are responsible for complying with all the requirements thereunder, regardless of who is operating or cultivating on that property. If the property is being formally or informally leased to an operator, and the lessee has enrolled under the Order, then the lessee is responsible for complying with the Order's requirements, including the WRPP and related recommendations and requirements. If the lease expires or the lessee is not otherwise available or does not respond to information requests by the NCRWQCB or PWA, then the landowner automatically assumes responsibility under the Order for the requirements therein and for all related penalties or actions brought by the NCRWQCB.

If at any time in the future the property is to transfer ownership, it is the responsibility of the current owner, or their representatives, to ensure that the information and recommendations contained herein are called to the attention of any future owner or agent for the property. Unless this WRPP is modified by the NCRWQCB, or another approved Third Party Program representative, the findings and recommendations contained in this WRPP shall be utilized as a tool while implementing the recommendations made within this WRPP. Necessary steps shall be taken to see that contractor(s) and subcontractor(s) carry out such recommendations in the field in accordance with the most current WRPP and BMP standards.

As a Third Party Program, PWA will be responsible for the data, interpretations and recommendations developed by PWA, but will not be responsible for the interpretation by others of that information, for implementation of corrective actions by others, or for additional or modified work arising out of those plans, interpretations and recommendations. PWA assumes no liability for the performance of other workers or suppliers while following PWA's recommendations in the WRPP, unless PWA is under contract to perform or oversee those activities. Additionally, PWA is not responsible for changes in applicable or appropriate standards beyond our control, such as those arising from changes in legislation or regulations, or the

broadening of knowledge which may invalidate or alter any of our findings or recommended actions.

Any WRPP plan review or construction management services that may be needed or identified in the recommendations sections of this report are separate tasks from the preparation of this WRPP, and are not a part of the contract under which this WRPP was prepared. If requested, additional PWA field inspections, surveys, WRPP revisions/updates, project layout, design, permitting, construction oversight/management, or other related services arising from tasks described and recommended in the WRPP may be performed under separate agreements requiring advance notice and contracting.

PWA's services consist of professional opinions and recommendations made in accordance with generally accepted principles and practices. No warranty, expressed or implied, or merchantability or fitness, is made or intended in connection with our work, by the proposal for consulting or other services, or by the furnishing of oral or written reports or findings. If the client desires assurances against project failures, they shall obtain appropriate insurance through their own insurance broker or guarantor.

This WRPP is considered a living document and shall be updated at least annually, or sooner if conditions have changed or land management actions have been undertaken after our site inspection. As an official part of the Waiver Program, this WRPP (including all its text, appendices, maps and photos) shall remain onsite and available for NCRWQCB staff to inspect and review upon request.

Prepared by:

---

William Randy Lew  
Associate Geologist, P.G. #7872  
Pacific Watershed Associates, Inc.  
P.O. Box 4433, Arcata, California 95518

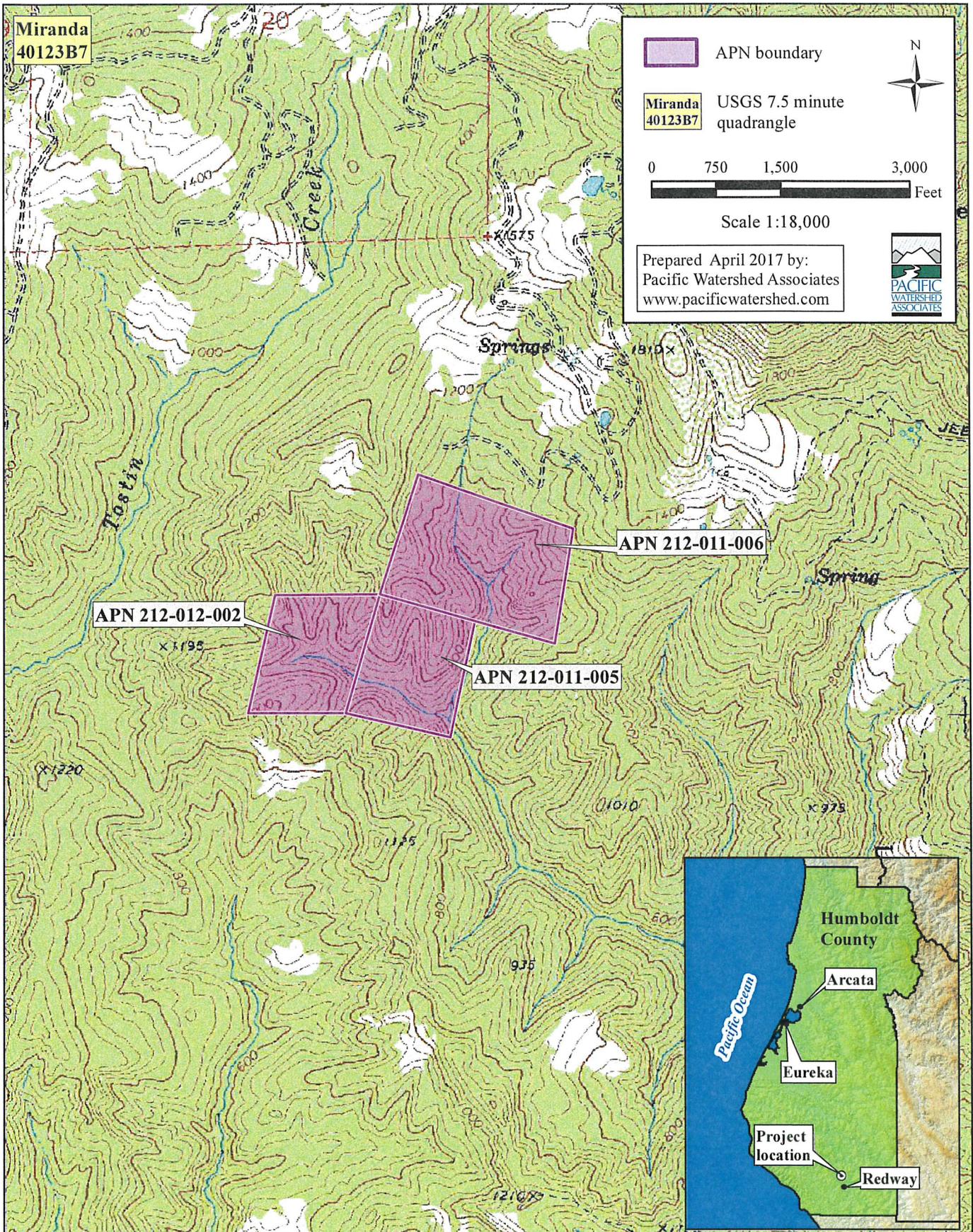


Figure 1. Location map for WDID #1B161464CHUM, APN 212-011-005, 212-011-006, and 212-012-002, located off Seely Creek Road, Redway, Humboldt County, California.

### 3.0 INTRODUCTION

This Water Resources Protection Plan (WRPP) summarizes the results of Pacific Watershed Associate's (PWA) site visit and subsequent analysis and documentation of site conditions on APNs 212-011-005, 212-012-002 and 212-011-006 located off Seely Creek Road, Redway, California, as shown on Figure 1 and hereinafter referred to as the "Project Site." The WRPP describes and addresses the required elements and compliance with the 12 Standard Conditions established by the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 to protect water quality from cannabis cultivation and related activities (Order). PWA has identified certain areas where the Project Site does not fully meet all 12 of the Standard Conditions of the Order. Section 4, below, identifies and discusses each of the 12 Standard Conditions as related to your property with regard to compliance with the NCRWQCB's Order.

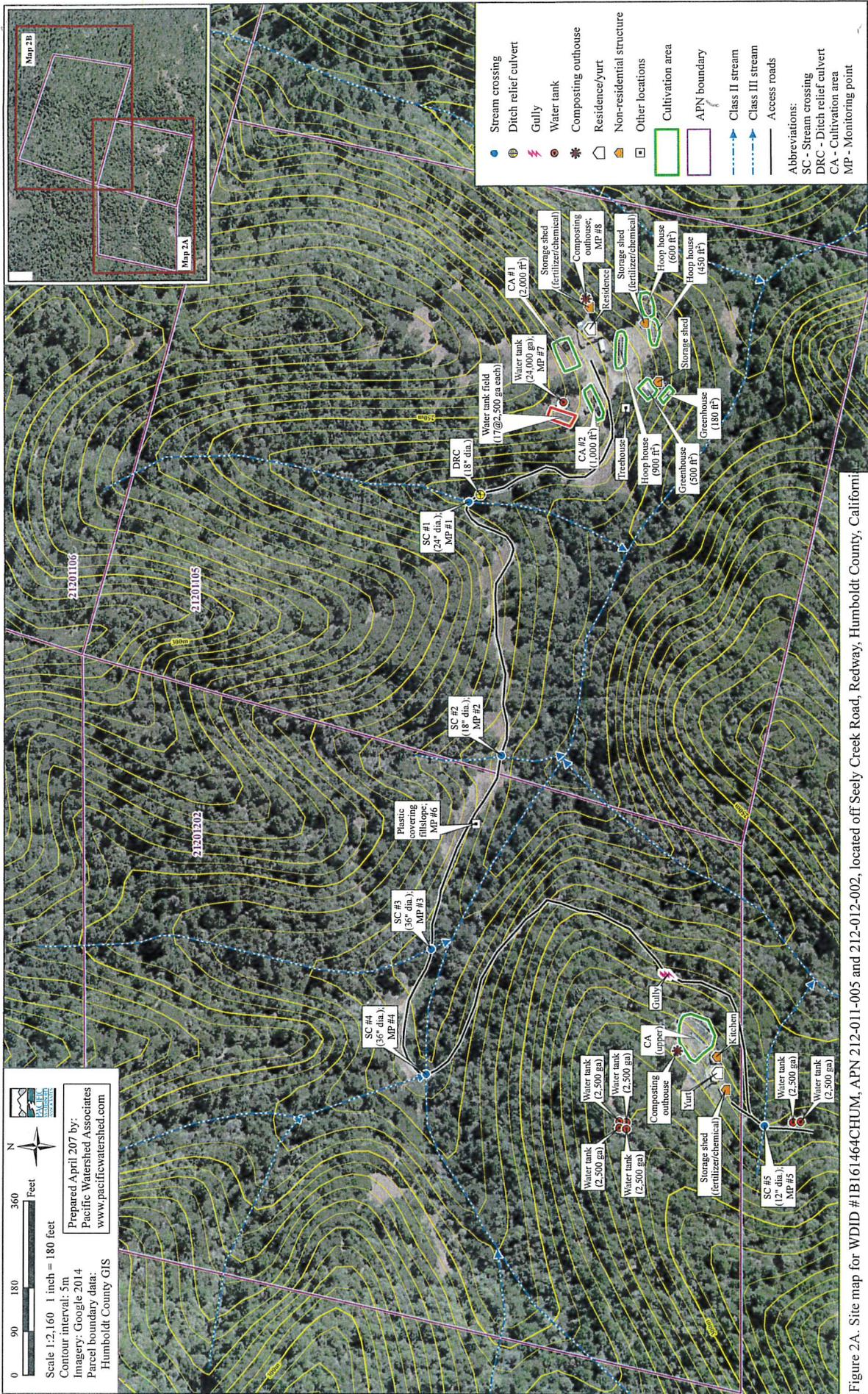
The WRPP contains the following required sections:

1. Legible map (Figure 2) depicting the required site elements and features associated with the 12 Standard Conditions of the Order;
2. Description of current site conditions, compliance with the 12 Standard Conditions, and prioritized remediation or corrective actions needed to bring the site into compliance with the requirements of the Order;
3. A monitoring and inspection plan to ensure BMPs used to protect and prevent impacts to water quality are being implemented as recommended by PWA (implementation monitoring), and that they are effective (effectiveness monitoring);
4. A water use plan, including water sources, water use and storage rights documentation, monthly water use documentation (quantity), and water conservation measures that are employed to prevent adverse impacts to water quality and water quantity in the watershed;
5. List of fertilizers and chemicals stored and used onsite, including a log of the frequency and quantity of these materials used.

### 4.0 STANDARD CONDITIONS CHECKLIST FOR APNs 212-011-005, 212-012-002 and 212-011-006 as of 11/07/2016

The NCRWQCB has developed a set of 12 Standard Conditions that shall be followed and implemented to protect and improve water quality as required under the NCRWQCB's Order. For a property to become compliant with the Order, all 12 Standard Conditions must be fully satisfied.

The following section details the specific requirements listed and described in the Order for each of the 12 Standard Conditions. Each Standard Condition has from 1 to 6 sub-requirements (*listed in italic type*), each of which must be satisfied to protect water quality and comply with the Order. The checklist developed by PWA for your property indicates: 1) whether the Standard Condition or Standard Condition sub-requirement was adequately met as of the date of PWA's field inspection, 2) PWA's observations and comments related to the Standard Condition or Standard Condition sub-requirement, 3) whether a relevant photo has been taken and included in the WRPP, and 4) recommended corrective or remedial actions that need additional work to meet the requirements of the Order.



Scale 1:2,160 1 inch = 180 feet  
 Contour Interval: 5m  
 Imagery: Google 2014  
 Parcel boundary data:  
 Humboldt County GIS

Prepared April 2017 by:  
 Pacific Watershed Associates  
 www.pacificwatershed.com

Figure 2A. Site map for WDID #1B161464CHUM, APN 212-011-005 and 212-012-002, located off Seely Creek Road, Redway, Humboldt County, California!

P:\GIS\5144



Figure 2B. Site map for WDID #1B161464CHUM, APN 212-011-006, located off Seely Creek Road, Redway, Humboldt County, California.

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In Section 5 of this WRPP, PWA has provided a summary prioritized list (Table 1) of the recommended treatments and actions to be implemented by you to meet the requirements of the Order. PWA will consult with you to review the WRPP document and findings, and to set a preliminary schedule for implementation of the recommended measures for achieving compliance with the Order. Please note that some of the PWA recommended actions are based on regulatory requirements and deadlines, while others can be scheduled to fit the needs of both you and your property.

#### 4.1 Standard Condition #1. Site Maintenance, Erosion Control and Drainage Features

- a) *Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.*

**Meets condition?** No

**Observations/Comments:** Roads within the Project Site are maintained, rock surfaced properly with Class 2 aggregate base (or comparable) and mostly stable. However, all roads lack sufficient drainage structures to effectively disperse flow and minimize hydrologic connectivity. There is only one (1) location on this Project Site where the road side ditch is functionally drained with a ditch relief culvert (DRC)(see Site Map). Finally, much of the Project Site is covered with second growth forests that likely conceal abandoned (legacy) forest roads used in past logging; these may or may not contain eroding or potential sediment sources that pose a threat to water quality.

**Photos:** None

**Corrective or remedial actions needed:** Install permanent road drainage structures, as necessary and feasible, to shape the road surface (such as rolling dips) and drain the inside ditch (ditch relief culverts) wherever there is surface erosion (rilling), road surface rutting, poor drainage (wet (muddy) areas, large puddles or undrained areas), or the discharge of surface runoff near or into a stream channel. Make sure to hydrologically disconnect road segments from surface waters. Maintain and regularly drain the roadside ditch, as necessary, to ensure proper drainage and to disperse ditch flow.

Under the Order, all legacy roads on the Project Site are required to be inventoried and assessed for erosion sources and threats to water quality. You will need to identify and map all legacy roads and conduct a rapid erosion assessment to identify existing or potential sediment sources or pollution threats, if any, along these routes.

- b) *Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.*

**Meets condition?** No

**Observations/Comments:** See comment 4.1a above.

**Photos:** None

**Corrective or remedial actions needed:** See corrective action 4.1a, above.

- c) *Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.*

**Meets condition?** No

**Observations/Comments:** There is one (1) location (between SC #2 and SC #3) where concentrated road surface runoff drains over a potentially unstable fillslope that has been covered in plastic (MP # 6).

**Photos:** None

**Corrective or remedial actions needed:** Disperse road surface runoff and ditch flow to stable locations before and/or after the unstable fillslope between SC #2 and SC #3. Make sure road surface drainage and ditch flow is not drained onto the unstable fill. Excavate or permanently stabilize the unstable fill so it does not fail and deliver sediment to the stream channel downslope. Dispose of the excavated spoil materials at a stable location where it will not be delivered to a watercourse.

- d) *Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.*

**Meets condition?** No

**Observations/Comments:** Roads lack sufficient road drainage structures to hydrologically disconnect road reaches from watercourses. There is only one (1) location on this property where the road side ditch is functionally drained with a ditch relief culvert (DRC).

**Photos:** None

**Corrective or remedial actions needed:** See corrective action 4.1a, above.

- e) *Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.*

**Meets condition?** No

**Observations/Comments:** Roads lack sufficient road drainage structures to hydrologically disconnect road reaches from watercourses. There is only one (1) location on this property where the road side ditch is functionally drained with a ditch relief culvert (DRC).

**Photos:** None

**Corrective or remedial actions needed:** See corrective action 4.1a, above.

- f) *Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.*

**Meets condition?** Yes

**Observations/Comments:** No construction materials were observed during the Project Site inspection.

**Photos:** None

**Corrective or remedial actions needed:** Dispose of the excavated spoil materials from fillslope stabilization work at a stable spoil disposal location where it will not be delivered to a watercourse. See corrective action 4.1c, above.

#### 4.2 Standard Condition #2. Stream Crossing Maintenance

- a) *Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.*

**Meets condition?** No

**Observations/Comments:** Five (5) stream crossings (SC) are located on the Project Site. They include: stream crossing (SC) #1, a 24-inch partially plugged (20%) and rusted CMP crossing on a class III watercourse, set high in the fill at the outlet; SC #2, an 18-inch CMP crossing on a class III watercourse, set high in the fill; SC #3, a 36-inch CMP on a class II watercourse, slightly askew but both inboard and outboard fillslopes are armored; SC #4, a 36-inch CMP crossing, well installed with armored fillslopes; and SC #5, a 12-inch CMP crossing on a class III watercourse, set high in the fill. SC #1, #2, #3 and #5 are not sized to pass the 100-year peak streamflow and associated debris. SC #4 does not require any treatment; the crossing appears well installed and appropriately sized to pass the expected 100-year peak streamflow and associated debris.

**Photos:** Photos 1 – 5; MP #1-5

**Corrective or remedial actions needed:** 1) Upgrade culvert at SC#1 with a 36-inch culvert. 2) Upgrade culverts at SC #2 and SC #5 with 24-inch culverts. 3) Upgrade culvert at SC #3 with a 48-inch culvert. All culvert installations should be designed and constructed to meet specifications required under the Order (properly sized for the 100 year peak flow (including debris in transport), low plug potential, no diversion potential, vertically and horizontally aligned with the channel, designed for aquatic organism passage, etc.).

- b) *Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.*

**Meets condition?** No

**Observations/Comments:** See Section 4.2a above.

**Photos:** Photos 1 – 5; MP #1-5

**Corrective or remedial actions needed:** See corrective action 4.2a, above.

- c) *Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.*

**Meets condition?** No

**Observations/Comments:** See Section 4.2a above.

**Photos:** Photos 1 – 5; MP #1-5

**Corrective or remedial actions needed:** Culverts will be bedded to allow passage of aquatic organisms. See corrective action 4.2a, above.

- d) *Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.*

**Meets condition?** No

**Observations/Comments:** See Section 4.2a above.

**Photos:** Photos 1 – 5; MP #1-5

**Corrective or remedial actions needed:** See corrective action 4.2a, above.

- e) *Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.*

**Meets condition?** No

**Observations/Comments:** See Section 4.2a above.

**Photos:** Photos 1 – 5; MP #1-5

**Corrective or remedial actions needed:** See Section 4.2a above.

- f) *Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.*

**Meets condition?** No

**Observations/Comments:** Stream crossings should have critical dips to prevent diversion in the event that the culvert fails or plugs.

**Photos:** None

**Corrective or remedial actions needed:** When upgrading crossings and at any crossing with diversion potential, dip the road or construct a critical dip on the down-road hinge line of the crossing fill to prevent stream diversion in the event that the culvert fails or plugs. See corrective action 4.2a, above.

**Standard Condition #2. - General comments and recommendations:** These stream crossing upgrades should, at a minimum, follow the design and construction standards set forth in the Handbook for Forest, Ranch and Rural Roads (PWA, 2015). In addition, you must obtain all necessary permits prior to initiating this construction work. Necessary permits may include but may not be limited to: CDFW LSAA 1602, SWRCB 401 Certification, ACOE 404 Permit.

### **4.3 Standard Condition #3. Riparian and Wetland Protection and Management**

- a) *For Tier 1 Dischargers, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class 1 or 2 watercourse or within 50 feet of any Class 3 water course or wetlands.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** None

**Corrective or remedial actions needed:** None

- b) *Buffers shall be maintained at natural slope with native vegetation.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** None

**Corrective or remedial actions needed:** None

- c) *Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** None

**Corrective or remedial actions needed:** None

- d) *Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** None

**Corrective or remedial actions needed:** None

**Standard Condition #3. - General comments and recommendations:** For this Project Site, all cultivation areas and all associated facilities are located greater than 50 feet from any class III watercourses and greater than 100 feet from any class II or class I watercourses (Figure 2). Except for selective clearing of several trees on and near the terrace surface during the initial construction, the riparian buffer is undisturbed and intact. The operator does not intend to disturb, modify or develop the existing riparian buffer within the ownership. The slope buffer is more than adequate as a filter for any errant waste or entrained sediment.

#### 4.4 Standard Condition #4. Spoils Management

- a) *Spoils shall not be stored or placed in or where they can enter any surface water.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** None

**Corrective or remedial actions needed:** Dispose of the excavated spoil materials from fillslope stabilization work at a stable spoil disposal location where it will not be delivered to a watercourse. See corrective action 4.1c, above.

- b) *Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** None

**Corrective or remedial actions needed:** See corrective action 4.1c, above.

- c) *Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.*

**Meets condition?** Yes

**Observations/Comments:** See general comment below.

**Photos:** None

**Corrective or remedial actions needed:** Dispose of the excavated spoil materials from fillslope stabilization work at a stable spoil disposal location where it will not be delivered to a watercourse. See corrective action 4.1c, above.

**Standard Condition #4 - General comments and recommendations:** Based on field observations it is PWA's opinion that the Project Site is currently compliant with this condition. Spoils were stored in a stable location with no threat of sediment delivery to surface waters. Slope stabilization at the unstable fillslope site will generate spoil material that should be hauled to a stable spoil disposal location where it will not enter a stream.

#### 4.5 Standard Condition #5. Water Storage and Use

- a) *Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC 12 watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.*

**Meets condition?** Unknown

**Observations/Comments:** There are 28 rigid tanks with a total of 91,500 gallons of water storage on the Project Site, which may be sufficient to irrigate the existing cultivation area during the dry season from May 15 through October 31.

**Photos:** None

**Corrective or remedial actions needed:** A Water Budget should be developed to determine the required volume of water storage you will need so as to forbear (not divert surface flows) during the low flow period from May 15 through October 31 each year. A Water Monitoring Plan will also need to be developed and implemented to document the exact timing and volume of your water diversion, storage and use throughout the year (see general comments below).

Under the Order, you are required to measure, document and report the water you divert and pump, store and use throughout the year. PWA has created a simple log sheet to help you monitor this water data for your Project Site (Appendix D.) Water monitoring data is required to be reported to the NCRWQCB on or before every March 31 for the preceding calendar year.

- b) *Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.*

**Meets condition?** Yes

**Observations/Comments:** Water conserving strategies are currently being implemented include: 1) drip irrigation; 2) the use of compost and mulch fertilizer to improve soil structure and increase its water-holding capacity; and 3) forbearance from surface water diversion during the summer months (June- October). There are several other water conservation strategies that can be implemented.

**Photos:** None

**Corrective or remedial actions needed:** Continue to employ current water conservation techniques. In addition, evaluate and employ: 1) irrigation scheduling; 2) the use of cover crops during rotations and winter to protect and increase soil fertility; 3) top mulching planting pots and beds; 4) planting in-ground and not in above-ground pots and 5) capturing and storing rainwater for irrigation. Begin quantifying water use, testing drip rates, using timed and/or volume limited drip emitters, and incorporating water holding amendments and native soil during the initial soil preparation at the start of the season. Other water conservation measures should continue to be investigated and employed in order to most effectively minimize water diversion and maximize water use efficiency.

- c) *For Tier 2 Dischargers, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.*

**Meets condition?** Yes

**Observations/Comments:** All existing and planned storage facilities are off-stream and may be sufficient in capacity to allow for forbearance through the summer months. Currently the Project Site has approximately 91,500 gallon water storage capacity. According to the landowner, the property currently practices forbearance from June-October.

**Photos:** None

**Corrective or remedial actions needed:** Develop a water budget to determine overall water needs for both domestic and irrigation uses during the dry season. The water budget and water monitoring is needed to ensure you limit or eliminate diversion of surface flows for cultivation purposes during the dry season low flow period from May 15- October 31. If necessary, add more rainwater-fed storage, including one or more off-stream pond(s) and/or rigid water tanks.

- d) *Water is applied using no more than agronomic rates.*

**Meets condition?** Unknown

**Observations/Comments:** According to the landowner, water is applied sparingly, as needed using drip irrigation.

**Photos:** None

**Corrective or remedial actions needed:** To verify compliance and further refine water use efficiency, start measuring and recording your average water usage on a per plant basis, based on type and size of plant pot, full term versus short season (light deprivation) plant, and type of irrigation. Observe and monitor soil moisture so watering, fertilizer and chemical applications are made only when necessary and overwatering and excess infiltration is avoided. This will allow you to refine the Water Budget for your operation and verify agronomic rates of watering.

- e) *Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.*

**Meets condition?** No

**Observations/Comments:** There is one (1) point of diversion (POD) located on a separate parcel from cultivation, on a class II watercourse in Idiot Gulch. The POD is the only facility on parcel APN 212-011-006. The landowner has filed an Initial Statement of Diversion and Use (ISDU) as well as a Small Domestic Use (SDU) application. In order to legally divert water for domestic and commercial purposes, you need to file and obtain an appropriative water right and a Lake and Streambed Alteration Agreement (LSAA).

**Photos:** None

**Corrective or remedial actions needed:** **Domestic water rights** - Water diversion and water storage requires valid water rights documentation. The landowner has filed an ISDU and an SDU for domestic uses. As it currently stands, according to regulatory requirements, this type of water right cannot be used for commercial crop irrigation.

**Commercial water rights** - The landowner should consult with SWRCB, Division of Water Rights (DWR) to determine if an appropriative water right is necessary. If you plan to continue flow diversions for your agricultural water needs, you need to file and obtain water rights for your parcel, or provide other documentation of your legal water rights. The SWRCB, is developing a Small Irrigation Use (SIU) water right for this region in the near future (supposedly this summer) but until they do, the full appropriation appears to be the only option for diverting water for commercial agricultural production. You should apply for this Small Irrigation Use (SIU) water right if and when, and as soon as, it becomes available. As opposed to employing one or more surface water diversions, irrigation waters could be secured by developing rainwater capture systems to fill tanks and/or one or more off-stream, rainwater-fed pond(s), or drilling a well.

**Fish and Wildlife Impacts:** - Additionally, because you are directly diverting water from a jurisdictional stream, you are required to file a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW):

- Lake and Streambed Alteration Agreement (LSAA).  
<https://www.wildlife.ca.gov/Conservation/LSA>

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

**Meets condition?** Yes

**Observations/Comments:** All tanks are located on stable slopes, far from any streams, making it relatively unlikely that individual water storage structure failures would result in delivery to the stream network. However, water storage structures greater than 5,000 gallons may require a County building permit prior to siting and placement. Consult with the County of Humboldt to determine if a building permit is required for water storage tanks on the property.

**Photos:** None

**Corrective or remedial actions needed:** None

**Standard Condition #5 - General comments and recommendations:** Currently there are 28 rigid tanks with a total of 91,500 gallons of water storage (Figure 2). There is one (1) point of diversion (POD) on a separate parcel from cultivation, in Idiot Gulch. The POD is located on a Class II watercourse on parcel APN 212-011-006. The landowner has filed an Initial Statement of Diversion and Use (ISDU) as well as a Small Domestic Use (SDU).

At this time PWA recommends the following approach to water security on your property: 1) develop a water monitoring plan to log water production at POD #1, as well as water storage and water use; 2) develop a water budget to determine the storage volumes required for forbearing during the low flow period (May 15 – October 31); 3) if necessary, increase water storage capacity through construction of an off-stream, rainwater-fed pond or the addition of rigid tank storage to service your irrigation needs during the dry summer months from May 15 through October 31 each year, and 4) obtain commercial water rights for the stream diversion or, alternatively, develop rainwater harvesting or a drilled well to satisfy your irrigation needs.

PWA highly recommends, and state agencies may require, that you install flow meters on your water tanks and/or on your distribution lines from the pond when in use, to accurately document your water use and rates. You will need to document the amount of water you are collecting, diverting, storing and using through time. PWA has created a simple log sheet to help you monitor your water usage (see Appendix D).

#### **4.6 Standard Condition #6. Irrigation Runoff**

- a) *Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.*

**Meets condition?** Yes

**Observations/Comments:** See general comments below.

**Photos:** None

**Corrective or remedial actions needed:** None

**Standard Condition #6 - General comments and recommendations:** Irrigation is limited to drip irrigation; there is a high degree of control and minimal chance of causing runoff. With the closest stream located well away from the cultivation areas, any runoff that theoretically might flow off the Project Site (from the cultivation area) could not travel far due to the highly vegetative buffers between the cultivation areas and the stream network.

According to the Order, irrigation and fertilization shall occur at agronomic rates and chemicals shall be applied according to the label instructions and specifications. Agronomic rates are those rates of application of water, fertilizers and other amendments that are sufficient for utilization by the crop being grown, but not at a rate that would result in surface runoff or infiltration below the root zone of the crop being grown.

In the event that irrigation runoff occurs or could occur, you shall ensure that contaminated runoff does not enter nearby watercourses. This can be accomplished by constructing or designing containment measures, including sediment basins, berms, infiltration ditches and/or other Best Management Practices (BMPs) such as applying straw wattles or hay bales, as needed, to contain and control surface runoff (see Appendix A).

#### 4.7 Standard Condition #7. Fertilizers and Soil Amendments

- a) *Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.*

**Meets condition?** Yes

**Observations/Comments:** Fertilizers are stored inside covered storage sheds.

**Photos:** None

**Corrective or remedial actions needed:** When not being used on the planting beds or in greenhouses, all fertilizers, soil amendments, potting soils, and compost must be stored within a watertight shed or fully under cover (e.g., tarped) in a stable location with no chance of nutrient leaching or delivery to surface waters. Spent soils should be fully tarped, heavily cover cropped, or stored under cover during the rainy season. Fertilizers, potting soils, compost, and other soils and soil amendments should not be stored with petroleum products as they are considered incompatible materials and could potentially react (see general comments in 4.9 for more information).

- b) *Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.*

**Meets condition?** Unknown

**Observations/Comments:** Based on verbal communication with the landowner, the recommended application rates are being followed.

**Photos:** None

**Corrective or remedial actions needed:** In order to confirm compliance with the Order, you must keep detailed records of the type, timing and volume of fertilizers and/or other soil amendments you use in your operations. They can be recorded on log sheets such as those provided in Appendix E or by using some other accurate record

keeping method. Observe and monitor soil moisture so watering, fertilizer and chemical applications are made only when necessary and overwatering and excess infiltration is avoided. Also see general comments and recommendations below.

- c) *Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.*

**Meets condition?** Yes

**Observations/Comments:** The cultivation areas are located on moderate to low gradient topography and have wide vegetative buffers and therefore do not present a significant threat of runoff to surface water quality. There is the opportunity for nutrient leaching from uncovered spent soils in pots, beds or piles.

**Photos:** None

**Corrective or remedial actions needed:** To prevent nutrient leaching or runoff, either: 1) plant dense cover crops in spent pots, holes and beds to enrich soil and lock up nutrients; 2) fully tarp the exposed soils and growing mediums; or 3) move spent soils and amendments inside to temporarily store them during the wet season (November 1 – May 15. If dense cover crops cannot be kept alive, all planted areas should be tarped to protect them from rainfall, snowmelt and subsequent infiltration and leaching of nutrients. If you plan to burn the plant stalks, you'll first need to obtain burn permits from CAL FIRE and the North Coast Unified Air Quality Management District (or relevant jurisdiction for your area). You can then, incorporate the ash into the pots or planting holes prior to planting the cover crop to add minerals and recycle the ash.

**Standard Condition #7 - General comments and recommendations:** Based on field observations at the time of the site visit, PWA noted that fertilizers and soil amendments were being properly stored. Fertilizers and amendments should continue to be stored within a watertight shed or fully under cover, in a stable location, with no chance of delivery to surface waters. When cultivation begins, fertilizers and amendments should be applied according to packaging instructions. With the closest stream located well away from the proposed cultivation area, any runoff that theoretically might flow off the Project Site could not travel far due to the low gradient topography and wide vegetative buffer between the cultivation area and the stream network.

Under the Order, you are required to measure and record the type, timing and volume of fertilizers and other soil amendments that are applied. This can be done using a simple log form we have provided in Appendix E.

#### **4.8 Standard Condition #8. Pesticides/Herbicides**

- a) *At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code*

*of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labelling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.*

**Meets condition?** Yes

**Observations/Comments:** Neither pesticides nor herbicides were observed on the property at the time of our inspection.

**Photos:** None

**Corrective or remedial actions needed:** If used in the future, all pesticides, herbicides and related materials (e.g., fungicides) must be used and applied consistent with product labeling. When present, these chemicals should be stored within enclosed buildings or fully under cover, in a stable location, in such a way they cannot enter or be released into surface or ground waters.

**Standard Condition #8 - General comments and recommendations:** No pesticide or herbicide chemicals were observed on the site during our inspection. When present, pesticides and herbicides should be stored within enclosed buildings in such a way they cannot enter or be released into surface or ground waters. Have separate storage areas for incompatible materials such as amendments/chemicals and petroleum products (see standard condition #9 general comments below).

For the health of the environment and your workers, you are encouraged to utilize organic or biologic controls, rather than highly toxic petro-chemicals, to prevent pest and mildew problems. Several safe alternatives are available.

Under the Order you are required to keep records (logs) of the type, timing and volume of pesticides and herbicides used in your operations. This can be done using a simple log form, such as the one included in Appendix F1. Additionally, for any pesticide use you must comply with any Pesticide Registration Requirements. For more information see Appendix F2 in this report or Appendix E2 included in the NCRWQCB Order, or on their web site at:

[http://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2015/150728\\_Appendix\\_E2\\_DPR\\_MJ%20Pesticide%20Handout.pdf](http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/150728_Appendix_E2_DPR_MJ%20Pesticide%20Handout.pdf)

#### **4.9 Standard Condition #9. Petroleum Products and other Chemicals**

- a) *Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.*

**Meets condition?** Yes

**Observations/Comments:** There were several small, portable gas cans located inside covered storage sheds as observed on-site during the inspection.

**Photos:** None

**Corrective or remedial actions needed:** 1) All petroleum products (including all small fuel cans, generators, gasoline powered garden equipment and any other items containing petroleum products, and other liquid chemicals onsite must be stored under cover and off the ground and in a secondary containment basin (tote, tub, impermeable basin/floor, etc.) capable of containing the entire stored volume. 2) If at any time, you are storing more than 55 gallons of petroleum products or other liquid chemicals (including but not limited to diesel, biodiesel, gasoline and oils) you are required to develop and submit a Hazardous Material Business Plan (HMBP) and a Petroleum Storage Spill Prevention, Control and Countermeasures (SPCC) Plan for your Project Site (see general comments below). 3) Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils should not be stored with any fertilizers, potting soils, compost, and other soils and soil amendments, as they are considered incompatible materials and could potentially react (see general comments below)

- b) *Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.*

**Meets condition?** Yes

**Observations/Comments:** There are no above ground storage tanks on-site.

**Photos:** None

**Corrective or remedial actions needed:** None

- c) *Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.*

**Meets condition?** N/A

**Observations/Comments:** N/A

**Photos:** None

**Corrective or remedial actions needed:** None

- d) *Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.*

**Meets condition?** No

**Observations/Comments:** No spill prevention cleanup kit is kept onsite to help clean up small spills.

**Photos:** None

**Corrective or remedial actions needed:** Have one or more spill prevention cleanup kits onsite and easily accessible at all times. They should be located in areas where fuel is stored and utilized to help clean up small spills.

- e) *Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.*

**Meets condition?** N/A

**Observations/Comments:** N/A

**Photos:** None

**Corrective or remedial actions needed:** None

**Standard Condition #9 - General comments and recommendations:** There are no above ground or below ground fuel storage containers on-site. Several small portable gas cans were being stored inside covered storage sheds on-site. All petroleum products (including all small fuel cans, generators, gasoline powered garden equipment and any other items containing petroleum products, and other liquid chemicals onsite must be stored under cover and off the ground and in a secondary containment basin (tote, tub, impermeable basin/floor, etc.) capable of containing the entire stored volume. One or more spill prevention cleanup kits should be kept on-site and easily accessible to help contain and clean up small spills.

**Hazardous Material Business Plan (HMBP)** - Note that the State of California requires an owner or operator of a facility to complete and submit a Hazardous Material Business Plan (HMBP) if the facility handles a hazardous material or mixture containing a hazardous material that has a quantity at any one time during the reporting year equal to or greater than: 55 gallons (liquids), 500 pounds (solids), or 200 cubic feet for compressed gas (propane) used for the cultivation operations. If at any time during the year your operations exceed any one of these quantities, you need to prepare and file a HMBP for your operation. Information regarding HWBPs can be found at <http://ca-humboldtcounty.civicplus.com/DocumentCenter/Home/View/3224>.

Additionally, while it is not explicitly stated in the Order, please note that the Humboldt County Division of Environmental Health (HCDEH) also requires that anyone that has over 55 gallons or more of any petroleum liquid at any time of the year, including fuels and waste oil, develop a HMBP.

Proper storage of hazardous materials (e.g., flammable liquids or gasses, many agricultural chemicals, oxidizers, acids, caustic substances) is essential for maintaining safe operations and for protection of the environment. Commercial operations that store hazardous materials are required to prepare a hazardous materials business plan (HMBP) and maintain Material Safety Data Sheets (MSDS) for each hazardous chemical that they store or use. County health agencies may require HMBPs to be submitted for their review. The HMBP information must be communicated to employees annually and be kept in a location that is readily accessible by employees. MSDSs explain how to medically treat a person that has been exposed to a hazardous substance and how to safely cleanup a spill. Finally, the Order requires that a Petroleum Storage Spill Prevention, Control and Countermeasures (SPCC) be developed for the site.

**Hazardous liquids and chemical storage** - Generally, incompatible hazardous materials must be stored in separate locations, with distinct secondary containment vessels for each type of material. Secondary containment is required for hazardous liquids and must be sized to contain a spill volume equivalent to the largest hazardous material container or 10% of the total volume, whichever is greater. Flammable and combustible hazardous materials must be separated from oxidizers by a distance of no less than 20 feet. The following guidelines should be followed when handling and storing hazardous materials.

Always label containers with the substance inside for both hazardous and non-hazardous materials. For flammable hazardous materials, make certain that an appropriate fire extinguisher is available nearby the storage area. Dry powder fire extinguishers are the most versatile. Water filled fire extinguishers should not be used on certain types of hazardous material fires (e.g. water-reactive metals, strong acids, petroleum).

- Acids (e.g., hydrochloric acid, pool cleaner, citric acid) must be segregated from:
  - ✓ Reactive metals such as sodium, potassium, magnesium, etc.
  - ✓ Flammable and combustible materials.
  - ✓ Chemicals which could generate toxic or flammable fumes when mixed.
  - ✓ Bases.
  
- Bases (e.g., Portland cement, lime, lye, or drain cleaner) must be segregated from:
  - ✓ Acids, metals, organic peroxides and flammable liquids, and other easily ignitable materials.
  - ✓ Solvents
  - ✓ Oxidizing acids and oxidizers.
  
- Oxidizers (e.g., ammonium nitrate, ammonium phosphate, oxygen gas cylinders) must be segregated from:
  - ✓ Combustible and flammable liquids and gasses (e.g. petroleum, acetylene cylinders, solvents) with at least 20 feet of separation.
  - ✓ Reducing agents such as zinc, alkali metals, and formic acid.
  
- Flammable materials (e.g., gasoline, fuses, gunpowder, acetylene cylinders) must be segregated from:
  - ✓ Oxidizers, caustic materials, acids, and bases.

It is good housekeeping practice to store compatible hazardous materials exclusively away from agricultural chemicals. Although uncommon, even some organic agricultural amendments may be reactive, caustic, ignitable, or corrosive. Segregation of hazardous materials from non-hazardous materials eliminates the potential for cross-contamination of agricultural amendments and exposure of workers to hazardous fumes or residues.

#### 4.10 Standard Condition #10. Cultivation-Related Wastes

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

**Meets condition?** Yes

**Observations/Comments:** The Project Site was clean upon PWA's site inspection.

**Photos:** None

**Corrective or remedial actions needed:** None

**Standard Condition #10 - General comments and recommendations:** Based on field observations, it is PWA's opinion that the Project Site was compliant with the cultivation-related wastes condition.

We encourage you to chip or shred your plant stalks and compost them after harvest. If you burn the stalks, you must first obtain burn permits from CAL FIRE and the North Coast Unified Air Quality Management District (or other relevant jurisdiction for your area). You can then recycle the ash and add minerals to the soil by mixing the ash into your spent pots and plant holes prior to planting a cover crop at the end of the season. Other cultivation-related waste can be easily contained by keeping soils and garbage greater than 200 feet from drainage areas and on gentle slopes, tarping or otherwise covering soil piles, and/or by placing straw wattles or other containment structures around the perimeter of spoil piles. Organic cultivation-related waste should be recycled if possible, and inorganic wastes and garbage should be removed from the property on a regular basis and disposed of at an appropriate facility.

#### 4.11 Standard Condition #11. Refuse and Human Waste

- a) *Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.*

**Meets condition?** No

**Observations/Comments:** There are currently two (2) composting toilets on the Project Site.

**Photos:** None

**Corrective or remedial actions needed:** 1) Consult with Humboldt County Division of Environment Health to determine if the existing "composting toilets" are suitable and acceptable to the county in lieu of a permitted OWTS. 2) If the composting toilets are not permissible: a) close and decommission them by filling them in with dirt and removing the infrastructure; and b) install a permitted OWTS suitable for the existing site conditions and the current and expected level of use. 3) Utilize serviced, portable toilets until a new OWTS (or other county approved system) can be designed and permitted. Keep records of the portable toilet servicing with the WRPP.

- b) *Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.*

**Meets condition?** Yes

**Observations/Comments:** All refuse and garbage is both secured properly and periodically hauled offsite to be disposed of at an appropriate waste disposal facility.

**Photos:** None

**Corrective or remedial actions needed:** None

- c) *Garbage and refuse shall be disposed of at an appropriate waste disposal location.*

**Meets condition?** Yes

**Observations/Comments:** All refuse and garbage is both secured properly and periodically hauled offsite to be disposed of at an appropriate waste disposal facility.

**Photos:** None

**Corrective or remedial actions needed:** None

**Standard Condition #11 - General comments and recommendations:** The project site currently has two (2) composting toilets but no permitted OWTS. The Order requires a County permitted or approved waste treatment system. Additional observations made on this Project Site indicate that the operator maintains good housekeeping measures and garbage is secured properly and promptly removed.

#### **4.12 Standard Condition #12. Remediation/Cleanup/Restoration**

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

*Appendix A accompanying the NCRWQCB Order, (Appendix A in your WRPP), includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.*

*These protection and mitigation measures have been developed to prevent or reduce the environmental impacts and represent minimum, enforceable standards by which cleanup activities shall be conducted under this Order.*

**Meets condition?** Yes

**Observations/Comments:** No remediation/cleanup/restoration required.

**Photos:** None

**Corrective or remedial actions needed:** None

**Standard Condition #12 - General comments and recommendations:** It is PWA's opinion that the Project Site is currently compliant with this condition and no major site remediation or clean-up work that otherwise threatened water quality was identified at the Project Site. All corrective and remedial actions needed to satisfy the other 11 Standard Conditions have been outlined above.

**5.0 PRIORITIZED CORRECTIVE ACTIONS AND SCHEDULE TO REACH FULL COMPLIANCE**

The following check list should be followed to become fully compliant with the Order. Please see the detailed comments and recommendations above for a more complete description of the problems and the needed corrective actions and monitoring requirements.

| <b>Table 1. Features Needing Improvement or Action Items (Prioritized implementation schedule for corrective actions)</b> |                           |                 |   |                              |                       |                       |
|---|---------------------------|-----------------|---|------------------------------|-----------------------|-----------------------|
| <b>Standard Condition Requiring Action</b>  | <b>Treatment Priority</b> | <b>Schedule</b> | <b>Summary of Corrective Actions/Recommendations (see more detailed listing of corrective actions in Section 4, above)</b>  | <b>Map Point and Photo #</b> | <b>Estimated Cost</b> | <b>Date Completed</b> |
| 4.1 – Site Maintenance, Erosion Control and Drainage Features   | 1a-e<br>Moderate          | Oct. 30, 2020   | <ul style="list-style-type: none"> <li>- Install permanent road drainage structures, as needed, to shape the road surface (e.g., rolling dips) and drain the inside ditch (ditch relief culverts) wherever there is surface erosion (rilling), road surface rutting, poor drainage (wet (muddy) areas, large puddles or undrained areas), or the discharge of surface runoff near or into a stream channel.</li> <li>- Hydrologically disconnect road segments from surface waters.</li> <li>- Maintain and regularly drain the roadside ditch, as necessary, to ensure proper drainage and to disperse ditch flow.</li> <li>- Under the Order, all legacy (abandoned, unused) roads on the Project Site are required to be inventoried, assessed for existing and potential erosion sources and threats to water quality, and treated (as necessary &amp; feasible).</li> <li>- Disperse road and ditch flow to stable locations before and/or after the unstable fillslope between SC #2 and SC #3. Make sure road surface drainage and ditch flow is not drained onto the unstable fill.</li> <li>- Excavate or permanently stabilize the unstable fill so it does not fail and deliver sediment to the stream channel downslope.</li> <li>- Dispose of the excavated spoil materials at a stable location where it will not be delivered to a watercourse.</li> </ul> | None                         |                       |                       |
| 4.2 – Stream Crossing Maintenance   | 2a-f<br>High              | Oct. 30, 2020   | <ul style="list-style-type: none"> <li>- Upgrade culvert at SC#1 with a 36-inch culvert, set in line and at grade with the natural channel.</li> <li>- Upgrade culverts at SC #2 and SC #5 with 24-inch culverts, set in line and at grade with the natural channels.</li> <li>- Upgrade culvert at SC #3 with a 48-inch culvert, set in line and at grade with the natural channel.</li> </ul>   | MP #1-5;<br>Photos 1 – 5     | TBD                   |                       |

**Table 1. Features Needing Improvement or Action Items (Prioritized implementation schedule for corrective actions)**

| Standard Condition Requiring Action | Treatment Priority | Schedule                              | Summary of Corrective Actions/Recommendations (see more detailed listing of corrective actions in Section 4, above)  | Map Point and Photo # | Estimated Cost   | Date Completed |
|-------------------------------------|--------------------|---------------------------------------|--|-----------------------|--|----------------|
| 4.5 – Water Use                     | 5a                 | December 31, 2017 and then continuing | <ul style="list-style-type: none"> <li>- All culvert installations should be designed and constructed to meet specifications required under the Order (see Appendix A and 4.2a, above), including culvert sizing, installation, alignment, aquatic organisms passage, and no diversion potential.</li> <li>- Culverts will be bedded to allow passage of aquatic organisms.</li> <li>- Obtain all necessary permits prior to completing this work, including, but not necessarily be limited to: CDFW LSA 1602, SWRCB 401 Certification, ACOE 404 Permit.</li> <li>- Develop a Water Budget to determine the required volume of water storage you will need so as to forbear (not divert surface flows) from May 15 through October 31 each year.</li> <li>- Develop and implement a Water Monitoring Plan. Under the Order you are required to document the timing and volume of water you divert, store and use throughout the year using log sheets such as those provided in Appendix D.</li> <li>- Install float valves on your tanks, water monitoring flow meters on your water lines and other equipment that is needed to quantify your water use.</li> </ul> | None                  | Float valves: \$10<br>- \$40; Flow meters: \$120 – \$2,000 |                |
|                                     | 5b                 | December 31, 2017 and then annually   | <ul style="list-style-type: none"> <li>- Evaluate and employ: 1) irrigation scheduling; 2) the use of cover crops during rotations and winter to protect and increase soil fertility; 3) incorporating water holding amendments and native soil during the initial soil preparation 4) top mulching planting pots and beds; 5) planting in-ground and not in above-ground pots and 6) capturing and storing rainwater for irrigation.</li> <li>- Begin quantifying water use and testing drip rates while using timed and/or volume limited drip emitters.</li> <li>- Other water conservation measures should continue to be investigated and employed, including rainwater harvesting and additional water storage, so you can maximize water use efficiency and forbear in the dry summer months.</li> <li>- Investigate the feasibility of constructing an off-stream rainwater catchment pond and developing a rainwater catchment system to provide for your cultivation and irrigation water needs so you can forbear during the dry growing season.</li> </ul>   | None                  |  |                |

**Table 1. Features Needing Improvement or Action Items (Prioritized implementation schedule for corrective actions)**

| Standard Condition Requiring Action      | Treatment Priority | Schedule                         | Summary of Corrective Actions/Recommendations<br>(see more detailed listing of corrective actions in Section 4, above)  | Map Point and Photo # | Estimated Cost | Date Completed |
|--|--------------------|----------------------------------|---|-----------------------|----------------|----------------|
| 5c                                       | Moderate           | Dec 31, 2020                     | As needed, increase water storage capacity through addition of rigid storage tanks and/or development of an off-stream pond to limit or eliminate water diversion during low flow period from May 15 through October 31 each year.  |                       |                |                |
| 5d                                       | High               | June 1, 2017 and then continuing | <ul style="list-style-type: none"> <li>- To verify compliance and further refine water use efficiency, start measuring and recording your average water usage on a per plant basis, based on type and size of plant pot, full term versus short season (light deprivation) plant, and type of irrigation.</li> <li>- Observe and monitor soil moisture so watering, fertilizer and chemical applications are made only when necessary and overwatering and excess infiltration is avoided.</li> <li>- Consult with SWRCB, Division of Water Rights to determine if an appropriate water right is necessary. If you plan to use flow diversions for your agricultural water needs, you need to file and obtain water rights for your parcel, or provide other documentation of your legal water rights.</li> </ul> | None                  |                |                |
| 5e                                       | High               | Dec 31, 2020                     | <ul style="list-style-type: none"> <li>- You should apply for a Small Irrigation Use (SIU) water right if and when, and as soon as, it becomes available (projected for summer, 2017).</li> <li>- Because you are diverting water from a jurisdictional stream, you are required to file a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW)</li> </ul>   | ???                   |                |                |
| 7b                                       | Moderate           | April 15, 2017 and continuing    | Under the Order you need to document the type, timing and volume of any fertilizers and/or other soil amendments you use in your operations on log sheets provided in Appendix E.   | None                  |                |                |
| 4.7 - Fertilizer and Amendment Use<br>7c | Moderate           | Oct. 31, 2017 and then annually  | To prevent nutrient leaching or runoff, either: 1) plant dense cover crops in spent pots, holes and beds to enrich soil and lock up nutrients; 2) fully tarp the exposed soils and growing mediums; or 3) move spent soils and amendments inside to temporarily store them during the wet season. If dense cover crops cannot be kept alive, all planted areas should be tarped to protect them from rainfall, snowmelt and subsequent infiltration and leaching of nutrients.  | ???                   |                |                |

**Table 1. Features Needing Improvement or Action Items (Prioritized implementation schedule for corrective actions)**

| Standard Condition Requiring Action | Treatment Priority | Schedule                      | Summary of Corrective Actions/Recommendations<br>(see more detailed listing of corrective actions in Section 4, above)   | Map Point and Photo # | Estimated Cost             | Date Completed |
|-------------------------------------|--------------------|-------------------------------|--|-----------------------|----------------------------|----------------|
| 4.8 – Pesticides and Herbicides     | 8a                 | April 15, 2017 and continuing | Under the Order you need to document the type, timing and volume of pesticide, herbicide, and fungicide you use in your operations on log sheets provided in Appendix F.<br>All petroleum products (fuel cans, generators, gasoline powered garden equipment and any other items containing petroleum products) should be stored under cover, off the ground and in a secondary containment basin capable of containing the entire stored volume.  | None                  |                            |                |
|                                     | 9a                 | April 1, 2017                 | - Acquire one or more spill prevention kits (supplies) and place where easily accessible in case of accidental spill. They should be located in areas where fuel is stored and utilized to help clean up small spills.<br>- Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils should not be stored with any fertilizers, potting soils, compost, and other soil amendments, as they may be incompatible (see Standard Condition 9 – General Comments & Recommendations (above)). | None                  | Spill kits:<br>\$30 - \$65 |                |
| 4.10 – Cultivation-Related Wastes   | 9d                 | June 1, 2017                  | To prevent nutrient leaching or runoff, either: tarp, heavily cover crop, or store spent soils and amendments inside during the wet season. If dense cover crops cannot be kept alive, all planted areas should be tarped or stored inside to protect them from rainfall and snowmelt.   | ???                   |                            |                |
|                                     | 10a                | October 31, 2017 and annually | - Consult with Humboldt County Division of Environment Health to determine if the existing “composting toilets” are suitable and acceptable to the county in lieu of a permitted OWTS.<br>- If the composting toilets are not permissible, permanently close and decommission them by filling with dirt and removing the infrastructure.<br>- Utilize serviced, portable toilets until a new OWTS (or other county approved system) can be designed and permitted. Keep records of the servicing with the WRPP.                                  | ???                   |                            |                |
| 4.11 – Refuse and Human Waste       | 11a                | July 1, 2017                  | If the current composting toilet system is not approved by the County, then you need to locate, design and install a permitted OWTS suitable for the existing site conditions and the current and expected level of use.   | None                  |                            |                |
|                                     | 11a                | Oct. 31, 2019                 |  |                       |                            |                |

## 6.0 MONITORING AND INSPECTION PLAN

Under the Order, sites are required to be monitored and inspected periodically to ensure conformance with the 12 Standard Conditions. In most cases, inspections and records of inspections identify conditions that have been corrected and are now in compliance; conditions that remain in compliance; and conditions that have changed and may no longer be in compliance with the Order. An inspection and monitoring plan is used to document these conditions, identify problems and make corrections using best management practices (BMPs) to protect water quality (Appendix A).

Monitoring Plan – Please refer to Appendix B and Figure 2 to review the monitoring plan and specific monitoring points for which you are responsible.

Monitoring guidelines and reporting standards have been created by the NCRWQCB as part of the Order. Monitoring of the Project Site includes visual inspection and photographic documentation of each feature of interest listed on the Project Site map, with new photographic documentation recorded with any notable changes to the feature of interest.

Site inspection schedule - According to the NCRWQCB, periodic inspections should include visual inspection of the site, including any management measures/practices, to ensure they are being implemented correctly and are functioning as expected. Inspections include photographic documentation of any controllable sediment discharge sites, as identified on the site map, and a visual inspection of those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water.

At a minimum, sites shall be inspected at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to prevent or minimize discharges of waste or pollutants to surface water:

- 1) Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept onsite.
- 2) Prior to October 15<sup>th</sup> to evaluate site preparedness for storm events and stormwater runoff.
- 3) Following the accumulation of 3 inches cumulative precipitation (starting September 1<sup>st</sup>) or by December 15<sup>th</sup>, whichever is sooner.
- 4) Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>; Pick the nearest or most relevant zip code and then select the 3 day history that will also show precipitation totals.

Inspection and Monitoring Checklist – Appendix B contains a checklist data form that will be used by the landowner and/or operator to: 1) document inspection dates, 2) document visual and photographic inspection results, 3) describe remediation and management measures that are being applied, 4) identify new problems and their treatments, and 5) document the progress and effectiveness of implementing remedial and corrective measures that are needed to meet the 12 Standard Conditions, as outlined in this WRPP. Appendix C contains photo documentation of your

monitoring points and will need to be updated as corrective treatments are implemented and treatments are monitored and evaluated over time.

Annual Reporting – An Annual Report is to be submitted directly to the NCRWQCB or to PWA (through our 3<sup>rd</sup> Party Program). The information in the annual reporting form must be submitted by March 31<sup>st</sup> of each year. The reported information is to be reflective of current site conditions, and includes monitoring data and tasks accomplished to protect water quality. Among other things, the report includes such items as the reporting of monthly monitoring data collected during the year (e.g., chemical use, water diversions, water storage, water use, etc.), management measures (BMPs) applied during the year and their effectiveness, and tasks accomplished during the year towards meeting each of the 12 Standard Conditions identified as deficient in this WRPP.

## 7.0 WATER USE PLAN

Requirements - According to the Order, a Water Use Plan (WUP) shall record water source, relevant water right documentation, and amount used monthly. All water sources shall be recorded, including alternative sources such as rain catchment and groundwater, and/or hauled water. Other elements of the WUP will include:

- Developing a Water Budget for determining the timing and volume of actual water use on the site. Water related data will be summarized monthly for the preceding month.
- Designing and implementing water conservation measures to reduce water diversion and water use.
- Calculating water storage requirements needed to support cultivation activities during the dry season, and implementing those required storage measures.

The Water Use Plan must also describe water conservation measures and document your approach to ensure that the quantity and timing of water use is not impacting water quality objectives and beneficial uses (including cumulative impacts based on other operations using water in the same watershed). Water use will only be presumed to not adversely impact water quality under one of the following scenarios:

- No surface water diversions occur from May 15<sup>th</sup> to October 31<sup>st</sup>.
- Water diversions are made pursuant to a local plan that is protective of instream beneficial uses.
- Other options that may affect water quality: (e.g., percent of flow present in stream; minimum allowable riffle depth; streamflow gage at bottom of Class I stream; AB2121 equations; CDFW instream flow recommendations; promulgated flow objective in Basin Plan; etc.).

Site Water Use Plan -The record of activities, accomplishments and water monitoring results for the Water Use Plan for this site will be logged and recorded in data tables and site records (data forms) included in Appendix D of this WRPP. These will be tracked and kept up-to-date by the landowner or cultivator of the site.

*Water Storage and Forbearance* - The ultimate goal of the applicant is to accumulate enough water storage capacity to forebear the entire period from May 15<sup>th</sup> to October 31<sup>st</sup>. This will ensure

the timing of water use is not impacting water quality objectives and beneficial uses. The landowner reportedly forbears for most of the dry season. The Project Site currently has 91,500 gallons of water storage in rigid tanks. If additional storage is necessary, based on water budget calculations, the project setting provides several stable locations where additional water tanks and/or off-stream, rainwater-fed ponds may be safely placed.

*Water Conservation* - Water conservation measures such as drip irrigation the use of compost and mulch fertilizer should continue to be employed. Starting this year, new water conserving techniques (e.g., irrigation scheduling, the use of cover crops during rotations and winter, and capturing and storing rainwater for irrigation) and equipment will be utilized and tested to evaluate effectiveness and efficiency. Water conservation measures should continue to be investigated and employed in order to most effectively maximize water use efficiency and minimize flow diversions.

*Water sources and use* - Water for the Project Site is supplied from one (1) stream diversion located on a separate parcel from cultivation (APN 212-011-006), on a class II watercourse in Idiot Gulch. The landowner has filed an Initial Statement of Diversion and Use (ISDU) as well as a Small Domestic Use (SDU), and will apply for a Small Irrigation Use (SIU) permit as soon as it becomes available. The Project Site has a total 91,500 gallons of water storage in 28 rigid tanks.

Actual rates and volumes of water use (irrigation) have not been documented for the Project Site. Under the Order it is required that you monitor and record all water data for the Project Site, including diversion, storage and water use through time. Use data forms we have provided and which are provided in Appendix D. Develop a water budget to determine overall water needs for both domestic and irrigation uses throughout the year. The water budget and water monitoring is needed to ensure you limit or completely eliminate diversion of surface flows during the low flow period from (May 15 through- October 31 each year).

Over the course of the current season, water use will be documented using the log forms attached in Appendix D. As more accurate water data is gathered, refined targets can be made to ensure adequate storage exists to protect downstream water quality and beneficial uses during the driest time of the year. Water rights notifications and registrations will be submitted to the State Water Resource Control Board (Division of Water Rights) and a Lake and Streambed Alteration Agreement (LSAA) sought through the California Department of Fish and Wildlife (CDFW) for the current diversion.

## **8.0 LIST OF CHEMICALS**

The WRPP must contain a list of chemicals being stored onsite, in addition to quantities used and frequency of application. These include fertilizers/soil amendments, pesticides, herbicides, fungicides, petroleum products and other chemicals used in, or associated with, your cultivation activities and related operations.

Because this is the first year of enrollment, information regarding chemical use and storage is deficient or anecdotal. Appendixes E and F contain monitoring forms that should be used to list the chemical inventory record over time, as supplies are added to the site and used during the growing season. The landowner or operator will use these forms to track the types, storage

volumes, timing of application, and volume of use of these products throughout the year. The initial chemicals and amendment list that may be used and stored onsite include:

Fertilizers and amendments:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Pesticides, Herbicides, and Fungicides:

- None

Petroleum and Other Chemicals:

- Gasoline

**9.0 LANDOWNER/LESSEE CERTIFICATION/SIGNATURES**

This Water Resource Protection Plan (WRPP) has been prepared by Pacific Watershed Associates, an approved Third Party Program acting on behalf of the North Coast Regional Water Quality Control Board (NCRWQCB).

“I have read and understand this WRPP, including Section 2.0 – Certifications, Conditions and Limitations. I agree to comply with the requirements of the California Regional Water Quality Control Board North Coast Region Order No. 2015-0023 (Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region), including the recommendations and actions listed in this WRPP.”

Name of Legally Responsible Person (LRP): \_\_\_\_\_

Title (owner, lessee, operator, etc.): \_\_\_\_\_

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

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

WRPP prepared by (if different from LRP): **Pacific Watershed Associates, Inc.**

WRPP prepared and finalized on (date): \_\_\_\_\_

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

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

## APPENDIX B: MONITORING PLAN AND PHOTO LOGS

Monitoring Plan – In general, the entire road network, cultivation area and associated facilities need to be monitored over the year to catch any problems that might arise and to monitor the effectiveness of corrective actions which are implemented. Refer to Figure 2 for the location of site specific monitoring points you are responsible for tracking. Regardless, the entire project site needs to be regularly inspected and monitored to ensure that the site achieves and maintains compliance with the 12 Standard Conditions. If additional deficiencies develop, or individual problems arise, then corrective actions must be implemented immediately and these problem areas will need to be further monitored according to the WRPP.

For this Project Site, eight (8) Monitoring Points (MPs) have been identified and are included on the project site map.

The goal of the monitoring on this Project Site is to ensure the original problems or non-compliant features (e.g., fuel tanks and generators without secondary containment) have been effectively treated and that environmental problems or threats to water quality do not arise or are adequately mitigated during the year. Consult with PWA if a problem is detected at any of these monitoring locations or elsewhere on the property, or if you would like our assistance in monitoring or developing corrective actions (BMPs) for problems that develop. Please also report to PWA when one or more of the corrective actions in the WRPP have been implemented, and include photos and descriptions of the actions taken.

Site inspection schedule - According to the NCRWQCB, periodic inspections should include visual inspection of the site, including any management measures/practices, to ensure they are being implemented correctly and are functioning as expected. Inspections include photographic documentation of any controllable sediment discharge sites, as identified on the site map, and a visual inspection of those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water.

At a minimum, sites shall be inspected at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures is necessary to prevent or minimize discharges of waste or pollutants to surface water:

- 1) Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on-site.
- 2) Prior to October 15 to evaluate site preparedness for storm events and stormwater runoff.
- 3) Following the accumulation of 3 inches cumulative precipitation (starting September 1<sup>st</sup>) or by December 15<sup>th</sup>, whichever is sooner.
- 4) Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>; Pick the nearest or most relevant zip code and then select the 3 day history that will also show precipitation totals.

**Photo Log of features of interest and monitoring points before, during, and/or after treatment**

| Photo # | Monitoring Point | Standard Condition | Date     | Pre-, during, or post-treatment | Description   |
|---------|------------------|--------------------|----------|---------------------------------|---|
| 1       | MP #1            | 4.2                | 11/7/16  | Pre-                            | MP #1; Stream Crossing (SC) #1 – View of 24-inch partially plugged (20%) and rusted culvert (CMP) inlet on a class III watercourse, set high in the fill at the outlet. |
| 2       | MP #2            | 4.2                | 11/7/16  | Pre-                            | MP #2; SC #2 - View of 18-inch CMP inlet on the crossing of a class III watercourse, also set high in the fill at the culvert outlet.                                   |
| 3       | MP #3            | 4.2                | 11/7/16  | N/A                             | MP #3; SC #3 - View of 36-inch CMP inlet on a class II watercourse, slightly askew to channel alignment but both inboard and outboard fillslopes are armored.           |
| 4       | MP #4            | 4.2                | 11/7/16  | N/A                             | MP # 4; SC #4 - View of 36-inch CMP crossing, well installed with armored fillslopes.   |
| 5       | MP #5            | 4.2                | 11/7/16  | Pre-                            | MP #5; SC #5 - View of 12-inch CMP crossing on a class III watercourse, set high in the fill. Culvert is undersized and has an elevated plug potential.                 |
| 6       | MP # 6           | 4.1                | 11//7/16 | Pre-                            | MP #6 – View of unstable fillslope.   |
| 7       | MP # 7           | 4.5                | 11/7/16  | N/A                             | MP #7 – View of 24,000 gallon rigid stored tank.  |

**Photo Log of features of interest and monitoring points before, during, and/or after treatment**

| Photo # | Monitoring Point | Standard Condition | Date    | Pre-, during, or post-treatment | Description                              |
|---------|------------------|--------------------|---------|---------------------------------|--|
| 8       | MP # 8           | 4.11               | 11/7/16 | N/A                             | MP #8 – View of composting toilet setup. |
|         |                  |                    |         |                                 |  |
|         |                  |                    |         |                                 |  |
|         |                  |                    |         |                                 |  |
|         |                  |                    |         |                                 |  |
|         |                  |                    |         |                                 |  |
|         |                  |                    |         |                                 |  |
|         |                  |                    |         |                                 |  |

**Photo Log of features of interest and monitoring points before, during, and/or after treatment**

| Photo # | Monitoring Point | Standard Condition | Date | Pre-, during, or post-treatment | Description |
|---------|------------------|--------------------|------|---------------------------------|-------------|
|         |                  |                    |      |                                 |             |
|         |                  |                    |      |                                 |             |
|         |                  |                    |      |                                 |             |
|         |                  |                    |      |                                 |             |
|         |                  |                    |      |                                 |             |
|         |                  |                    |      |                                 |             |

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## Appendix C: Photo Documentation of Monitoring Points



**Photo 1, MP #1 – Stream Crossing (SC) #1, View of 24-inch partially plugged (20%) and rusted CMP crossing on a class III watercourse, set high in the fill at the outlet (Photo November 2016).**



**Photo 2, MP #2 – SC #2, View of 18-inch CMP crossing on a class III watercourse, set high in the fill (Photo November 2016).**



**Photo 3, MP #3 – SC #3, View of 36-inch CMP on a class II watercourse, slightly askew but both inboard and outboard fillslopes are armored (Photo November 2016).**



**Photo 4, MP #4 – SC #4, View of 36-inch CMP crossing, well installed with armored fillslopes (Photo November 2016).**



**Photo 5, MP #5 – SC #5, View of 12-inch CMP crossing on a class III watercourse, set high in the fill (Photo November 2016).**



**Photo 6, MP #6, View of unstable fillslope (Photo November 2016).**



**Photo 7, MP #7, View of 24,000 gallon water storage tank (Photo November 2016).**



**Photo 8, MP #8, View of composting toilet (Photo November 2016).**

HUMBoldt COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Sunnyside Farms, LLC APN: 212-011-005-000, 212-012-002-00  
Planning & Building Department Case/File No.: 12937  
Road Name: Seely Creek Road (complete a separate form for each road)  
From Road (Cross street): Briceland Road  
To Road (Cross street): split of Seely Creek Road and Skyline Road  
Length of road segment: 2.1 miles miles Date Inspected: 8/27/2018  
Road is maintained by:  County  Other Seely Creek Road Association (private)  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

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

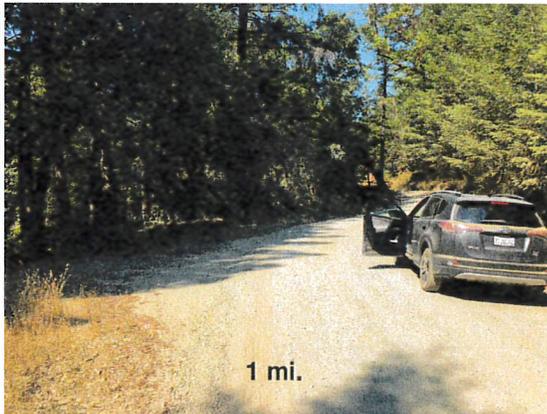
Signature Hal Hale

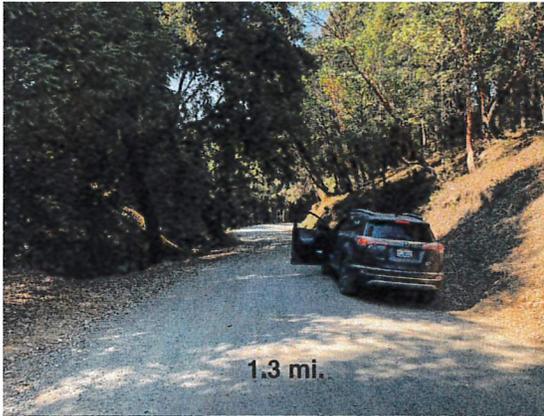
Date 8/4/18

Name Printed Hal Hale

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

**Road Evaluation Report (Seely Creek Rd. to Skyline Rd.)**





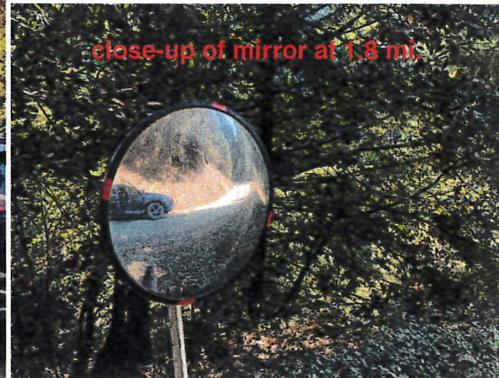
1.3 mi.



1.6 mi.



1.8 mi. blind turn with mirror



close-up of mirror at 1.8 mi



1.9 mi.



Skyline Rd.

2.0 mi

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Sunnyside Farms, LLC APN: 212-001-005-000, 212-012-002-001

Planning & Building Department Case/File No.: 12937

Road Name: Skyline Road (complete a separate form for each road)

From Road (Cross street): Seely Creek Road

To Road (Cross street): driveway

Length of road segment: 1.7 miles miles Date Inspected: 8/27/2018

Road is maintained by:  County  Other Seely Creek Road Association (private)  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

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

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

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

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

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

Signature

Hal Hale

Date

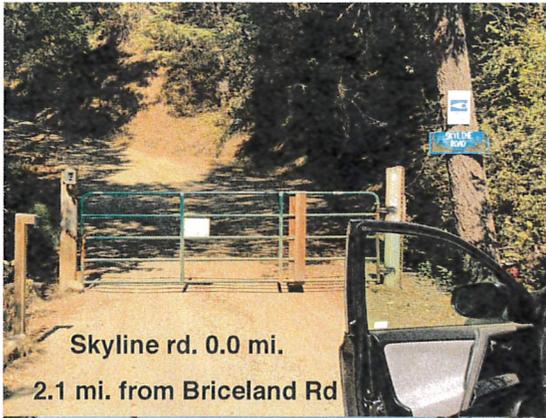
8/4/18

Name Printed

Hal Hale

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

Road Evaluation Skyline Rd. to driveway



## ATTACHMENT 5

### Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

| <b>Referral Agency</b>                    | <b>Response</b> | <b>Recommendation</b> | <b>Location</b> |
|---|-----------------|-----------------------|-----------------|
| Department of Environmental Health        | ✓               | Conditional Approval  | Attached        |
| Public Works Land Use                     | ✓               | Conditional Approval  | Attached        |
| Cal Fish and Wildlife                     | ✓               | Conditional Approval  | Attached        |
| Cal Fire                                  | ✓               | Other Comments        | Attached        |
| Building Inspection                       | ✓               | Other Comments        | Attached        |
| Humboldt County Sherriff                  | ✓               | Other Comments        | Attached        |
| NWIC                                      | ✓               | Other Comments        | On file         |
| Bear River Band                           | ✓               | Other Comments        | On file         |
| Southern Humboldt Unified School District |                 | No response           |                 |
| Briceland Fire Protection Dsitric         |                 | No response           |                 |
| Code Enforcement                          |                 | No response           |                 |
| RWQCB                                     |                 | No response           |                 |
| NCUAQMD                                   |                 | No response           |                 |
| County Counsel                            |                 | No response           |                 |
| District Attorney                         |                 | No response           |                 |
| Ag Commissioner                           |                 | No response           |                 |
| Sinkyone Intertribal Wilderness Council   |                 | No response           |                 |
| SWRCB Division of Water Resources         |                 | No response           |                 |

Environmental Health-

0.0h

ASSIGNED Ben Dolf  
STARTED 11/20/2018 by Ben Dolf

APPROVED WITH CONDITIONS  
DUE 11/30/2018

Task Details Sub Tasks (0)

CANCEL HELP

Task Details Environmental Health  
Current Status  
Approved with Conditions

Status Date  
11/20/2018

Due Date  
11/30/2018

Action By  
Ben Dolf

Action by Department  
Environmental Health

Assigned Date  
11/20/2018

Assigned to Department  
Environmental Health

Assigned to  
Ben Dolf

Comments  
Applicant must obtain permits for, or abandon and remediate, all composting outhouse toilets. All plumbed structures with drains, including but not limited to yurts, sheds, kitchens, residences, etc. must be connected to an approved onsite wastewater disposal system.



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

839-5401

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

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

445-7491  
445-7652  
445-7377  
445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7851  
ROADS & EQUIPMENT MAINTENANCE 445-7421

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

LAND USE

445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Liza Welsh, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 11/19/2018

RE:

|                |                       |
|----------------|-----------------------|
| Applicant Name | SUNNYSIDE FARMS, LLC. |
| APN            | 212-011-005           |
| APPS#          | PLN-12937-SP          |

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 8/27/2018, with Part A –Box 2 checked, certifying that the roads are equivalent to a road Category 4 standard. The date inspected is after the date that the applicant states that the statements in Part A are true. The road evaluation report does not have received date stamp from Planning and Building Department. In addition, road name of Skyline Road does not match the GIS road layer, but the mileage from Seely Creek Road appears to be accurate.

// END //

**Exhibit "A"**

**Public Works Recommended Conditions of Approval**

(All checked boxes apply)

APPS # PLN-12937-SP

**COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

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

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

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

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

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

// END //



**California Department of Fish and Wildlife  
CEQA: Project Referral Comments**

|  |  |  |  |
|--|--|--|--|
| Applicant: Lanman, Sunnyside Farms LLC |  | Date: 3/4/19   |  |
| AAPS No.: 12937                        | APN: 212-011-005 and 212-012-002             | DFW CEQA No.: 2018-0373                              | Case No.: SP16-690   |
| <input type="checkbox"/> New           | <input checked="" type="checkbox"/> Existing | Proposed: <input type="checkbox"/> Mixed-light (SF): | <input checked="" type="checkbox"/> Outdoor (SF): 7,220 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR |

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

**Please note the following information and/or requested standard conditions of Project approval:**

- The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2018-0298).
- The project site map appears to delineate all streams on parcel as Class III. CDFW requests that a 100-foot buffer be maintained from the two blue-line streams identified on parcel.
- 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.
- Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.
- This project has the potential to affect sensitive fish and wildlife resources such as Golden Eagle (*Aquila chrysaetos*), Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Northwestern Salamander

(*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov) .

Sincerely,

California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501

## Welsh, Liza

---

**From:** Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>  
**Sent:** Wednesday, March 06, 2019 4:40 PM  
**To:** Welsh, Liza  
**Subject:** RE: Sunnyside Farms LLC (APPS: 12937), CEQA-2018-0373, APN: 212-011-005 and 212-012-002

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thank you, Liza!

---

**From:** Welsh, Liza <lwelsh@co.humboldt.ca.us>  
**Sent:** Wednesday, March 6, 2019 3:18 PM  
**To:** Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>  
**Subject:** RE: Sunnyside Farms LLC (APPS: 12937), CEQA-2018-0373, APN: 212-011-005 and 212-012-002

Kalyn,

Thank you for your comments on Sunnyside Farms (#12937). This project is scheduled for the Zoning Administrator on March 21, 2019. Please see my response below:

- 1) Notification of the Lake and Streambed Alteration Agreement application is included in the project file. Conditions of approval require the applicant to provide a copy of the issued LSA once it becomes available.
- 2) Since referral, the applicant has provided an updated Site Map showing the corrected buffers. Please see attached. Additionally, Pacific Watershed Associates conducted a site visit and prepared a Water Resource Protection Plan for the parcels and found that the project complied with all applicable Streamside Management Areas around watercourses on the subject parcels and that the riparian buffers are intact and undisturbed by the project. The applicant's point of diversion is located on an adjacent parcel to the North with the same property owner, APN 212-011-006. The diversion occurs through a polyethylene pipe with a fish screen and it is the only development on the 65-acre parcel. The applicant holds a Right to Divert and Use Water for Small Irrigation Use for this diversion. The SP will allow for a relaxation of the County's required Streamside Management Area setback to allow for the point of diversion. No other encroachments into an SMA are present or will be authorized by this permit.
- 3) Prohibition on netting, leaving wildlife unharmed, and wildlife proof waste storage containers are all included as ongoing conditions to be adhered to throughout the life of the project.
- 4) Noise containment structures on generators are required for the life of the project, as is noise attenuation to keep volume at no more than 50 decibels, as measured at 100 feet from the generator, or the edge of habitat, whichever is closer.
- 5) The proximity to sensitive fish and wildlife resources is noted and the protection of these species is important to the Department. The project is located on the historic footprint and does not propose any additional ground disturbance. Staff believe that the project is designed and conditioned appropriately to avoid disturbance to these species.

Please let me know if you have further concerns.

Sincerely,

Liza



*Liza Welsh*

Planner / Cannabis Services Division  
Planning and Building Department  
[lwelsh@co.humboldt.ca.us](mailto:lwelsh@co.humboldt.ca.us)  
707.445.7541

---

**From:** Bocast, Kalyn@Wildlife [<mailto:Kalyn.Bocast@Wildlife.ca.gov>]

**Sent:** Monday, March 04, 2019 4:34 PM

**To:** Planning Clerk <[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)>

**Cc:** Welsh, Liza <[lwelsh@co.humboldt.ca.us](mailto:lwelsh@co.humboldt.ca.us)>; Bauer, Scott@Wildlife <[Scott.Bauer@wildlife.ca.gov](mailto:Scott.Bauer@wildlife.ca.gov)>

**Subject:** Sunnyside Farms LLC (APPS: 12937), CEQA-2018-0373, APN: 212-011-005 and 212-012-002

To Whom it May Concern:

Please see the attached comments regarding the subject application, Sunnyside Farms LLC (APPS: 12937), CEQA-2018-0373, APN: 212-011-005 and 212-012-002.

Thank you for the opportunity to comment on this project.

Sincerely,

Kalyn Bocast  
Environmental Scientist  
Watershed Enforcement Team  
California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501  
(707) 441-2077

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:

11/29/18

Lucas Titus

CAL FIRE RM has no comments on the project as proposed. If tree removal is required to develop operations in the future please consult with a RPF.

Date:

Name:

Battalion Chief Comments:

Summary:



Checklist Items [Add](#)

▼ Pre-Site Inspection

Status:

[History](#)

**PRE-SITE**

**Project Started**

Yes  No

**AOB Inspection**

Yes  No

**Soil Required Due to**

**Project is in flood zone A**

Yes  No

**2nd Flood Certificate Required**

Yes  No

**SRA requirements apply**

Yes  No

**SRA water storage requirements apply**

Yes  No

**Grading permit required**

Yes  No

**Erosion and sediment control measures required**

**Lot created prior to 1992**

Yes  No

**Incomplete Submittal Construction Plan**

Yes  No

**Plans Stamped by Licensed Prof Required**

Yes  No

**Soil Report Required**

Yes  No

**FIRM panel number**

(Text)

**Flood elevation certificate required**

Yes  No

**Project appears to be within wet area**

**Appr.SRA req. need to be shown on plot plan**

Yes  No

**Driveway slope appears to be**

**Submit engineered foundation for**

**Applicant must locate property lines**

Yes  No

**Plot plan incomplete, must be revised**

Yes  No

**Other concerns exist**

Yes  No



**Standard Comment**

12-6-2018 G. Dumler  
- Cannabis planning referral site visit comments  
- This is 2 parcels, 212-012-002, 212-012-002  
- Recommend approval based on the condition that all required permits and or agricultural exemptions are obtained.

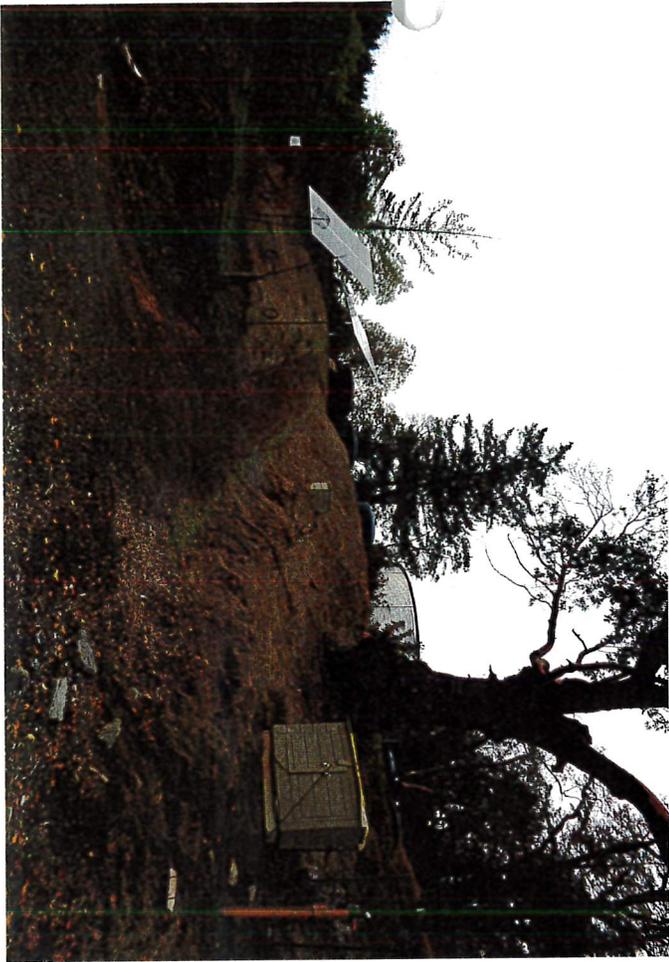
Future Building permit pre-site comments;(Pre-site form above applies here)  
- Obtain all required building, plumbing, electrical and mechanical permits and or Agricultural exemption for all structures.  
- Submit floor plans, and elevation plans for all structures. Include; dimensions and use, all doors, windows, sizes, steps, stairs, and landings, electrical, mechanical, and plumbing.  
- Submit revised plot plan showing all areas of grading, water courses, springs, wetlands, all structures including size and use and all setbacks from the above stated to each other and property lines.  
- Submit R-2 soils report and grading plan by engineer for all grading on parcel.  
- Submit engineered foundation plan for 24000 gal water tank.

Residence - Drying - Processing



CA # 1

12/3/18 GAD 212-011-005



Tree house



Storage shed / GH #1



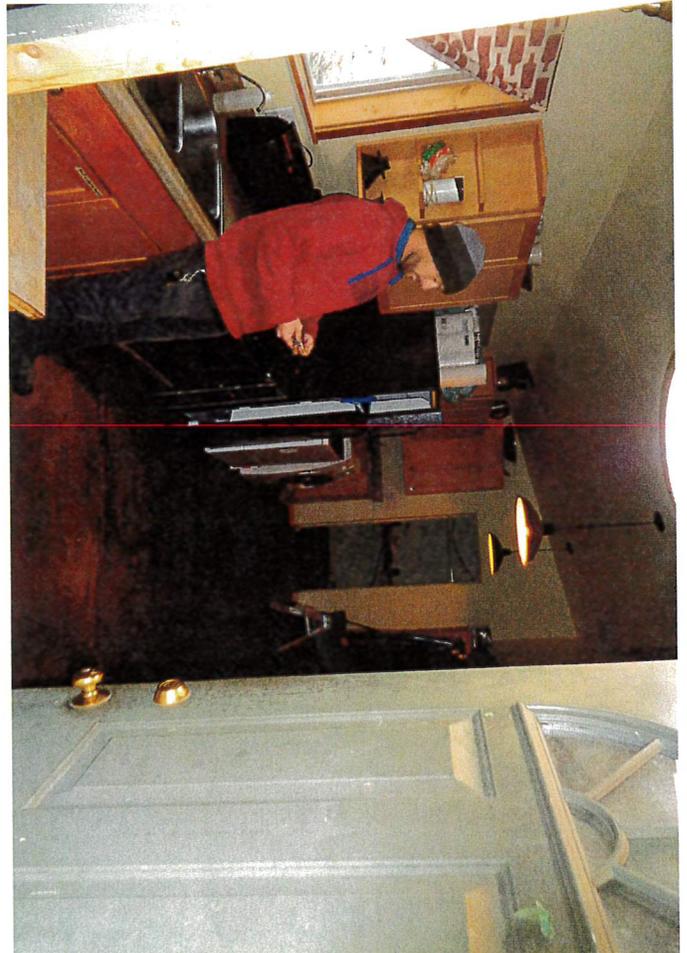
HH #1, 2, 3, 4



12/3/18 PD 8110-005

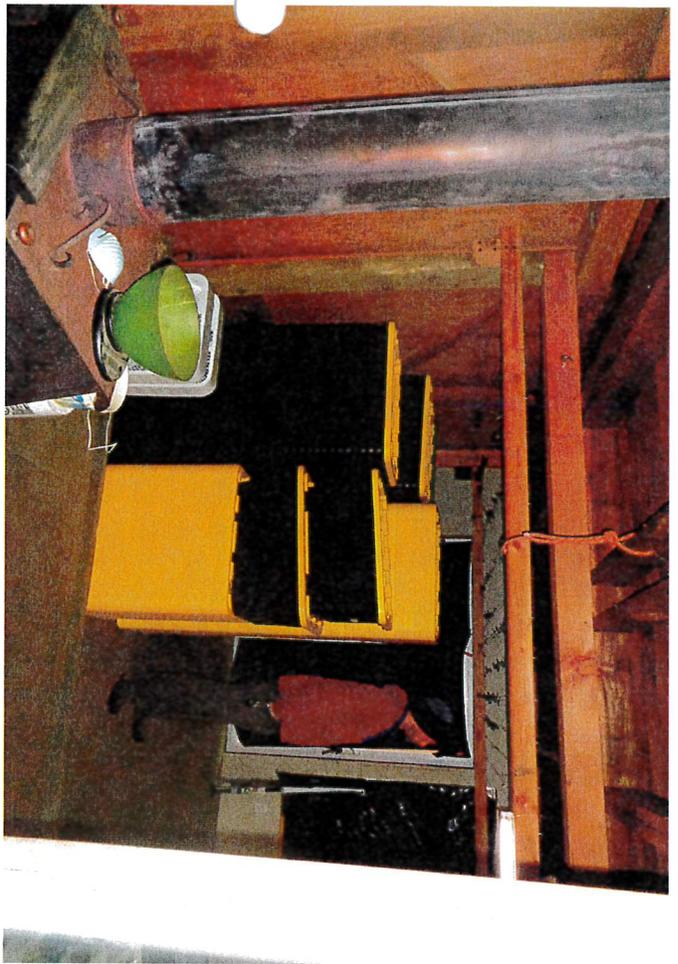


Tank Field

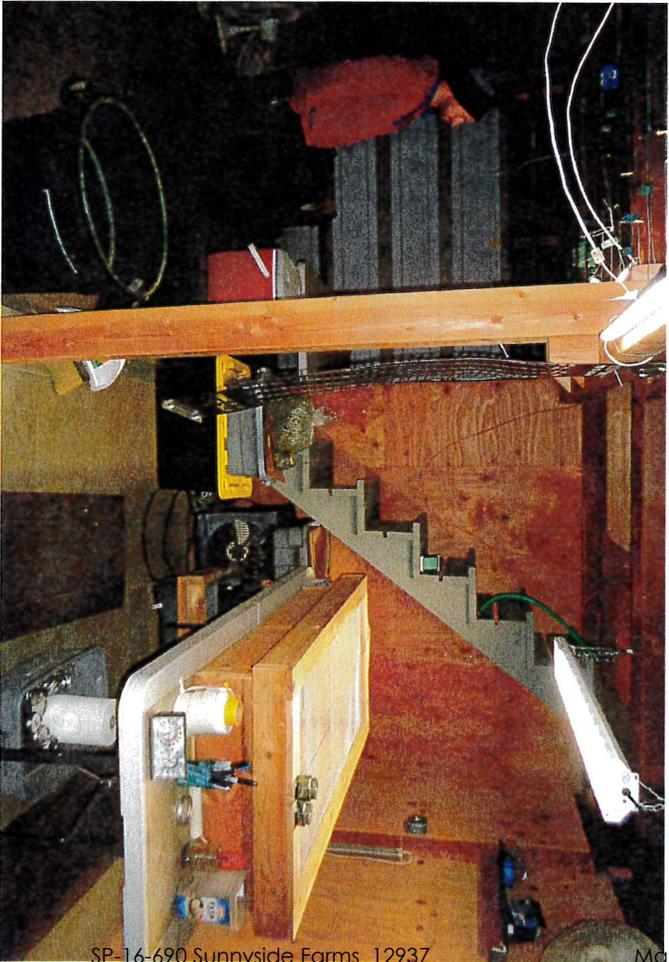


Residence

12/3/18 GA 212-011-005



Residence

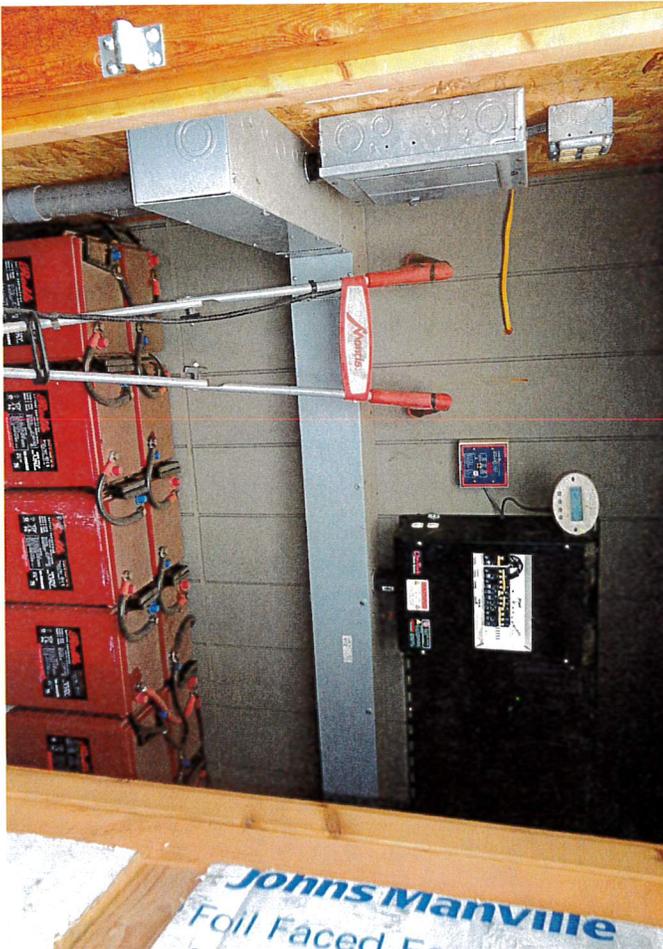


Upstairs

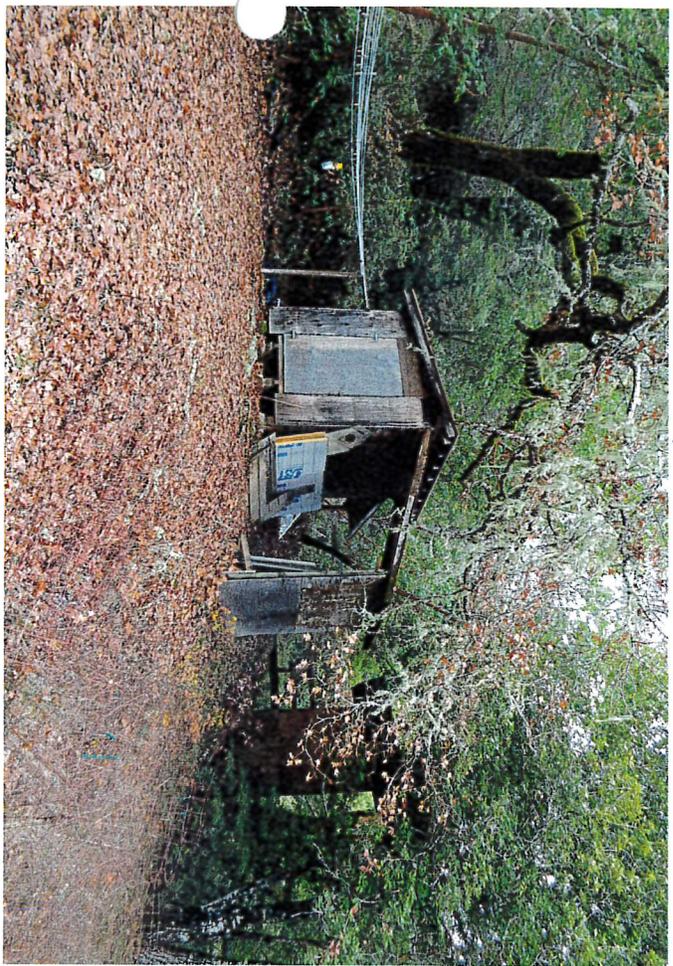
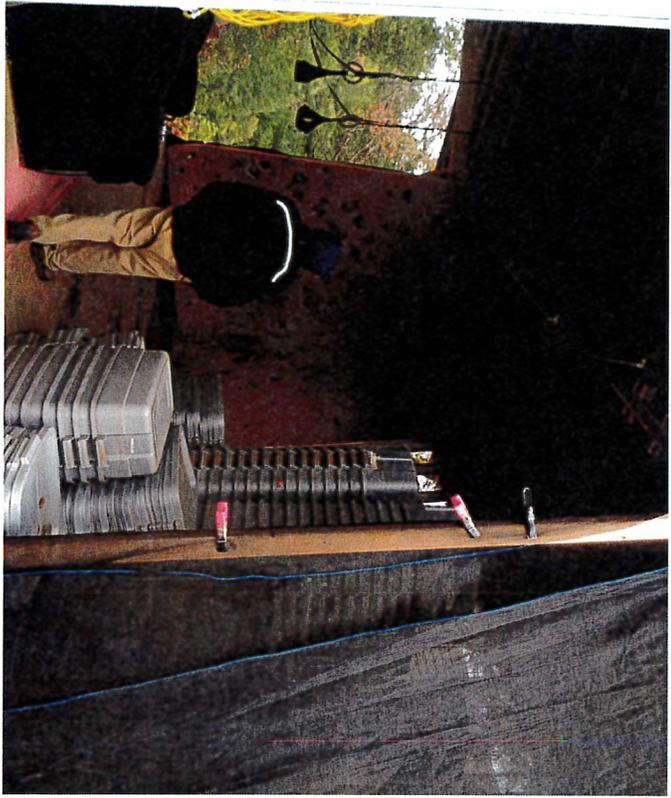
up stairs



Residence



12/3/18 GD 212-011-005



Storage shed out house

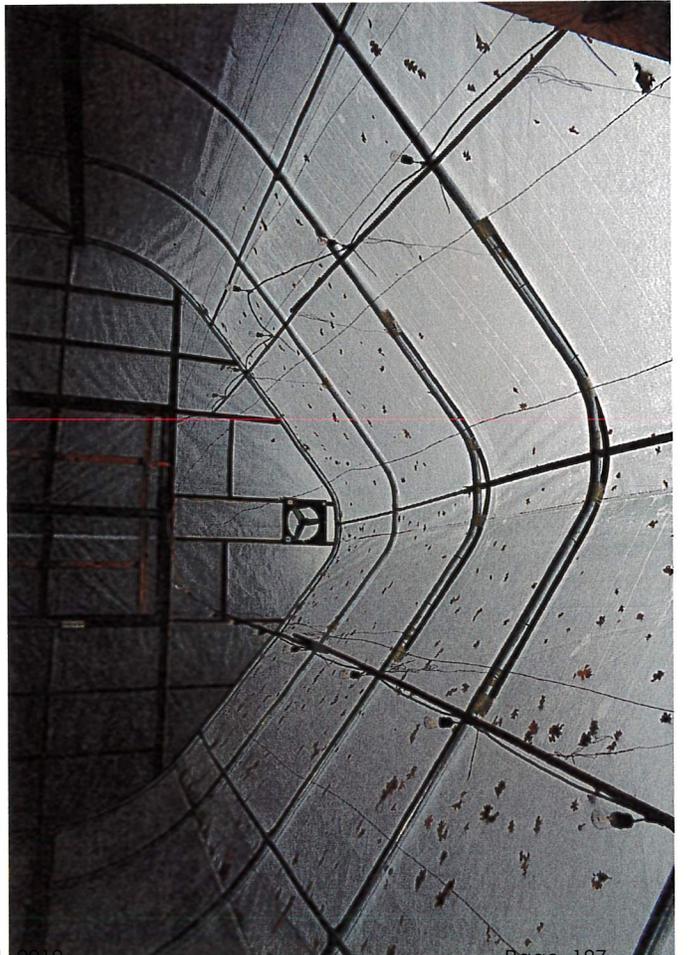


HH 1234

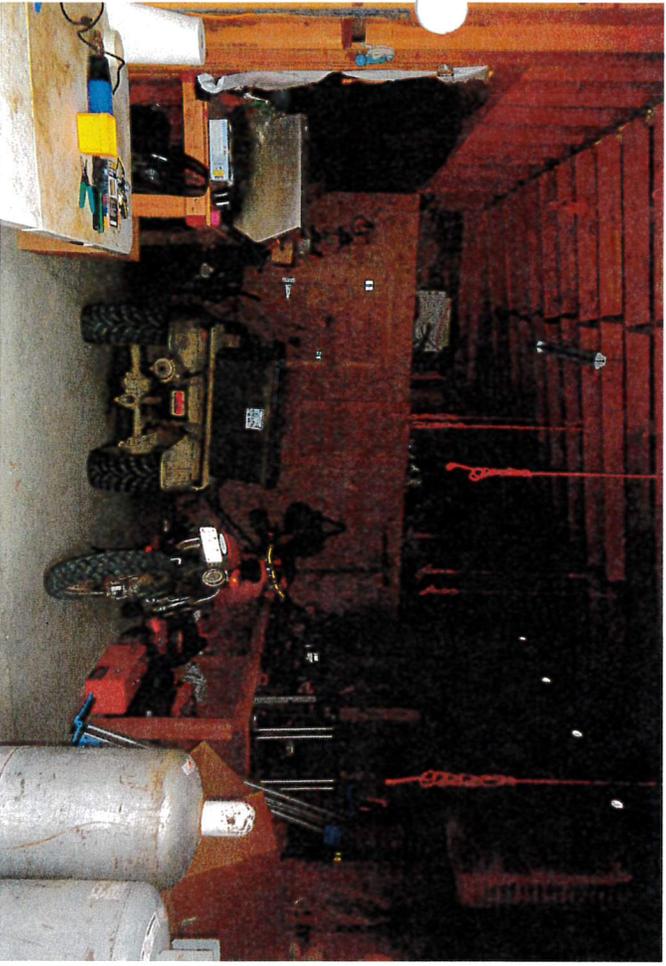
H# 1,2



Shore Sud G# 1



12/3/18 60  
210-011-005



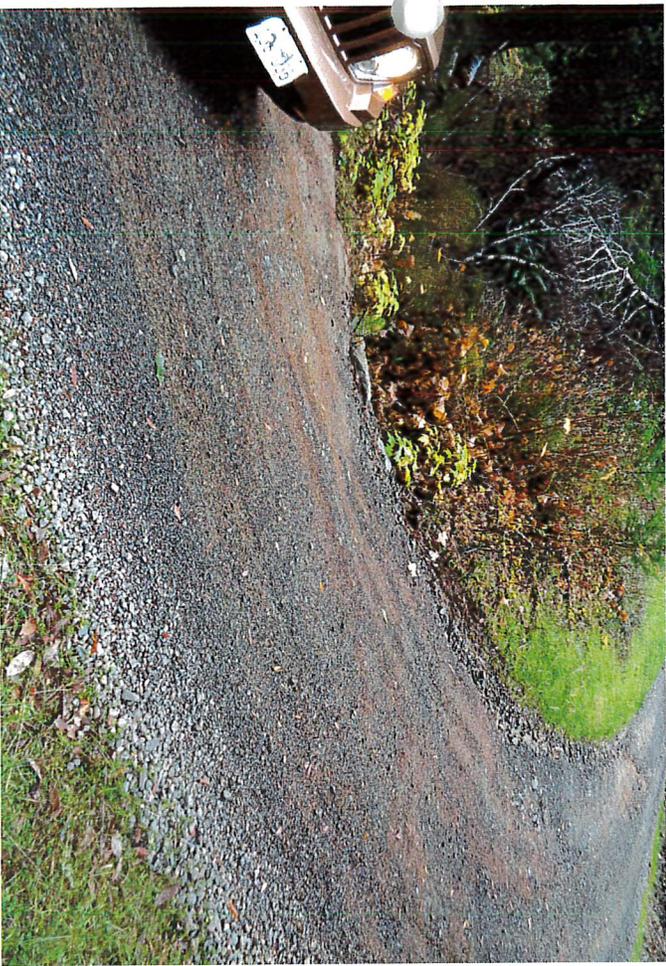
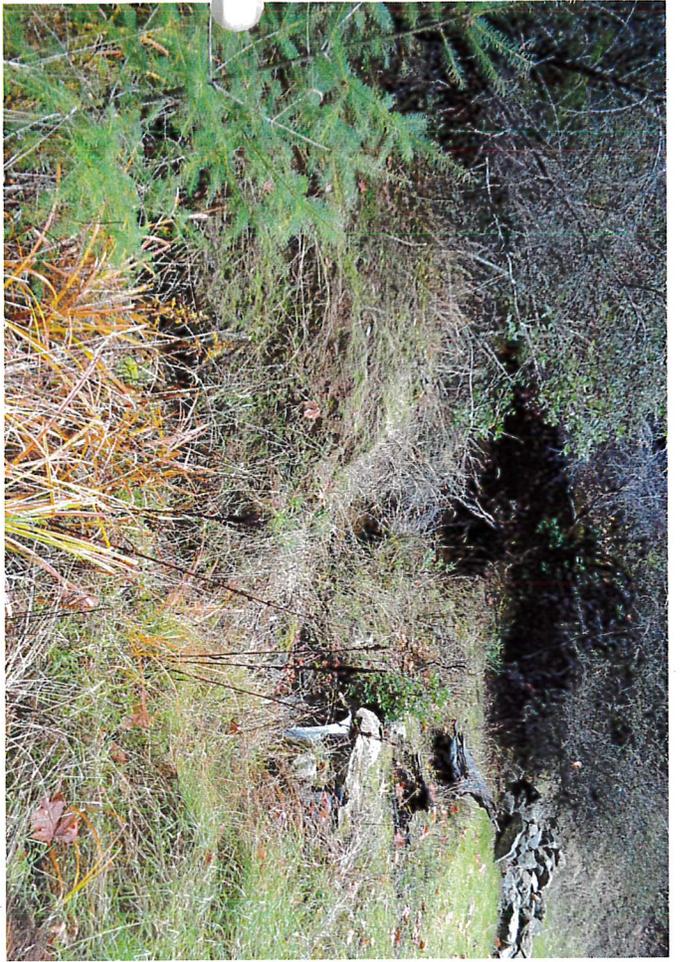
Shore Shed  
↓



Tree house



DRC # 1



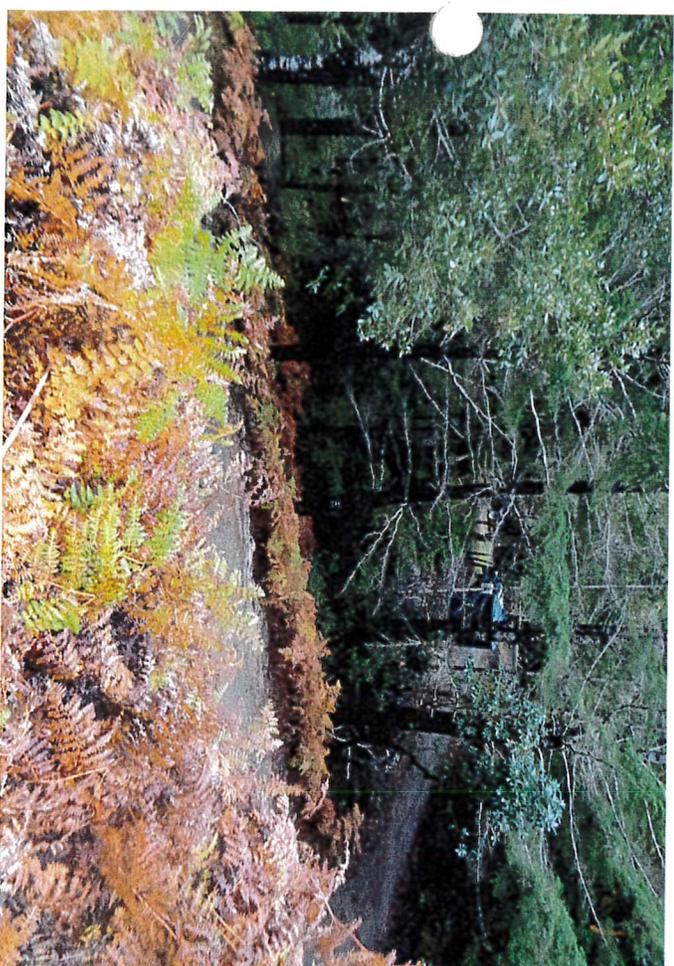
Site # 2

Yurt

Storage shed

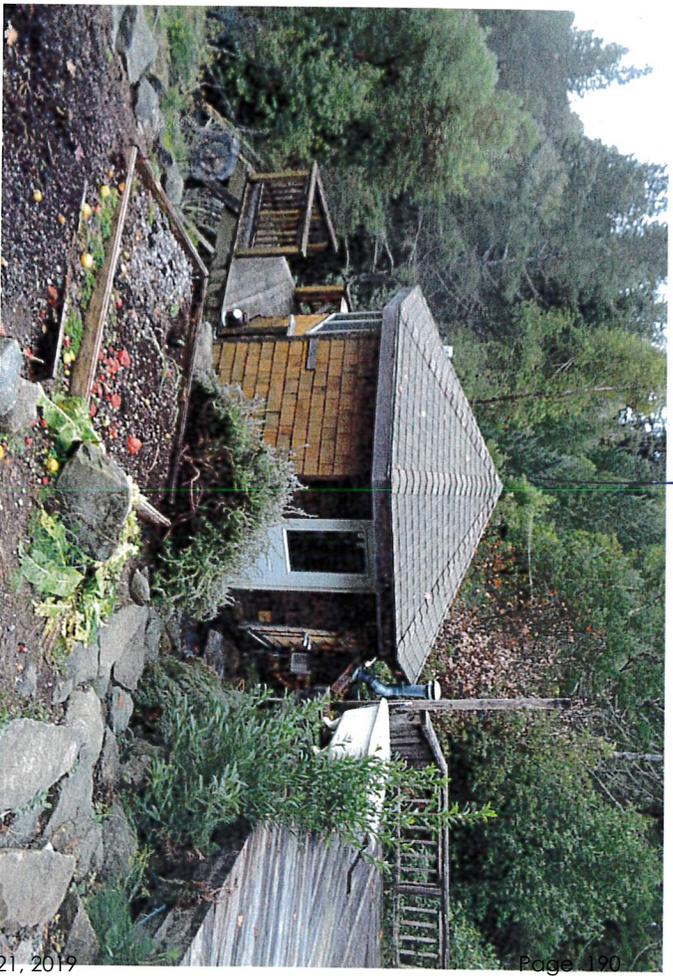


12/3/18 GAD 212-011-005



Storage Shed

Upper CA



Kitchen



Upper CA



**Sheriff-**  
🕒 0.5h

**ASSIGNED**  
**STARTED** 11/26/2018 by Sherrif's offic Humboldt County

**APPROVED**  
**DUE** 12/06/2018