



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: March 17, 2022

To: Humboldt County Planning Commission

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

Subject: **Whipsawasons, LLC, Conditional Use Permit**
Record Number: PLN-12216-CUP
Assessor's Parcel Number (APN): 217-391-012
2555 Sunset Ridge Road, Blocksburg area

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Please contact Megan Marruffo, Assigned Planner, at 707-443-5054 or by email at marruffom@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date March 17, 2022	Subject Conditional Use Permit	Contact Megan Marruffo
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Project Description: A Conditional Use Permit for 12,000 square feet (SF) of existing outdoor cannabis cultivation contained within sixteen (16) greenhouses and grown utilizing light deprivation techniques, and 1,200 SF of proposed ancillary propagation. Irrigation water is sourced from a 500,000-gallon rainwater catchment pond. Existing available water storage for irrigation is 504,000 gallons in the 500,000-gallon pond and two (2) 2,000-gallon hard plastic tanks for mixing nutrients. Estimated annual water usage is 137,000 gallons. Drying and bucking occurs onsite, with all other processing currently occurring offsite at a licensed processing or manufacturing facility; however, future onsite processing is proposed. Up to three (3) employees may be utilized during peak operations. Power is provided by onsite solar panels, with a generator to serve only as backup power.

Project Location: The project is located in the Blocksburg area, on the west side of Sunset Ridge Road, approximately 0,5 miles north from the intersection of Browning Road and Sunset Ridge Road, on the property known as 2555 Sunset Ridge Road.

Present Plan Land Use Designations: Residential Agriculture (RA40), Density: 40 acres per dwelling unit, Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation with a Special Building Site Combining Zone specifying a minimum parcel size of 40 acres (FR-B-5(40)).

Record Number: PLN-12216-CUP

Assessor's Parcel Number: 217-391-012

Applicant

Whipsawasons, LLC
3943 Walnut Drive, Suite E
Eureka, CA 95503

Owner

Adavera Management, LLC
4847 Alderpoint Road
Garberville, CA 95542

Agent

Lesley Doyle
Elevated Solutions, LLC
3943 Walnut Drive, Suite E
Eureka, CA 95503

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per § 15164 of the State CEQA Guidelines.

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

Major Issues: None.

Recommended Planning Commission Action:

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

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

Executive Summary: Whipsawasons, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 12,000 square feet (SF) of outdoor cannabis contained within sixteen (16) greenhouses and grown utilizing light deprivation and 1,200 SF of proposed ancillary propagation (for a total of 13,200 SF of onsite cultivation) in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR-B-5(40)). Cultivation takes place in four (4) separate areas: Cultivation Area 1 (northeastern area) contains 2,052 SF of outdoor cultivation grown in four (4) greenhouses; Cultivation Area 2 (southeastern area) contains 5,612 SF of outdoor cultivation grown in four (4) greenhouses; Cultivation Area 3 (northwestern area) contains 2,375 SF of outdoor cultivation grown in five (5) greenhouses; and Cultivation Area 4 (southwestern area) contains 1,710 SF of outdoor cultivation grown in three (3) greenhouses. Two (2) harvests are anticipated annually for a growing season that extends from April through October.

Ancillary propagation is proposed in a separate 1,200 SF greenhouse located north and west of the existing cultivation areas, adjacent to the existing 2,000 SF shop building. As noted in the Cultivation and Operations Plan (Attachment 3), during the winter months, propagation will occur in the shop building. It is further noted that the propagation area within the shop building will not be in operation when the 1,200 SF nursery greenhouse is being utilized.

Drying and bucking occurs onsite within an existing 2,000 SF shop building. Construction of a 600 SF metal building is proposed in the southwestern portion of the subject parcel on the existing lower flat by the residence to replace the current drying and bucking area. Currently, all other processing occurs offsite at a licensed processing or manufacturing facility; however, onsite processing is proposed onsite in the future once construction of the additional building is complete. A maximum of three (3) employees are required for the operation. Power is provided by an onsite solar system with inverter and battery system. An onsite generator is only utilized as a backup and is expected to run for a maximum of several hours a year. The operation is secured behind a locked, gated access and fenced cultivation areas. The cultivation and drying facility areas have low intensity motion sensor lighting designed and located for limited light exposure. The drying/storage facilities will include an alarm system.

Onsite Cultivation and Nursery Space

As previously discussed, the applicant is requesting 12,000 SF of outdoor cultivation, in addition to 1,200 SF of ancillary propagation. With the ancillary propagation space included, there will be a total of 13,200 SF of onsite cultivation; however, based on the County's cultivation area verification, only 12,000 SF was in existence prior to the CMMLUO environmental baseline date of January 1, 2016. The proposed propagation space equates to 10% of the cultivation area, which is what Planning staff and the Planning Commission have found allowable in the past. Although the parcel is more than 5 acres in size, cultivation occurs on slopes less than 15%, and a non-diversionary water source is utilized, the subject site is not

zoned RA, U, FP, DF, AG, or AE, and, as a result, new cultivation cannot be considered on the subject area and the total cultivation area (including the nursery space) is limited to 12,000 SF. As a result, recommended conditions of approval are included to reduce the cultivation areas to a maximum of 10,800 SF of cultivation, to include the proposed nursery space of 1,200 SF, for a total of 12,000 of onsite cultivation (**Conditions of Approval #5 and #6**).

Water Resources

Estimated annual water usage is 137,000 gallons (10.4 gal/SF). Water for irrigation is provided by an existing 500,000-gallon rainwater catchment pond. There is an onsite well located in the north central portion of the property, approximately 300 feet from any watercourse; however, the onsite well is utilized solely for domestic use. The 500,000-gallon rainwater catchment pond is located in the northwest portion of the property and has a capture area of approximately 8,500 SF. The 10-year average rainfall on the site was found to be 63.6 inches and it was determined that the rainwater catchment pond has the potential to collect an average of 337,500 gallons per year. Based on these calculations, the water needs of the project can be met entirely from rainwater catchment. Conditions of approval require the applicant to monitor water use from the pond and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs (**Condition of Approval #17**).

A Final Streambed Alteration Agreement (SAA; Notification No. 1600-2018-0038-R1) was issued by the California Department of Fish and Wildlife (CDFW) on May 20, 2020. Conditions of approval require submittal of the Final SAA to the County and adherence to the terms of the SAA including any required upgrades, maintenance, and monitoring (**Condition of Approval #12**). Per the Cultivation and Operations Plan (Attachment 3), all upgrades required by CDFW in the SAA have been completed.

A Water Resource Protection Plan (WRPP) was prepared for the project by Natural Resources Management Corporation, dated August 14, 2017 (Attachment 3), which describes current site conditions and outlines various improvements and recommendations for the site. It is noted in the Report that the site is historically grassland with an overall slope of 25%, although cultivation areas occur on man-made flats. Four (4) Class III streams were noted to be onsite, and it is further noted that some cultivation sites are located within the required Streamside Management Area (SMA) buffers. The Report states that the primary water quality issues at the site are in regard to the cultivation areas' proximity to surface waters and associated runoff, as well as remnants of the prior landowners' activities (including an old water diversion and unused infrastructure near the well), that need to be cleaned up. A total of twelve (12) recommended corrective actions were detailed in the Report, including but not limited to relocating cultivation outside of the required 50-foot SMA buffer and revegetating the buffer, regrading flats to drain away from creek and road ditch, stabilizing a cutbank slump, removing old water diversion and unused materials, filling in pit toilet, and discontinuing use of two (2) 3,000-gallon tanks until located on stable, flat ground. Conditions of approval require implementation of any remaining corrective actions and recommendations outlined in the WRPP (**Condition of Approval #13**). However, per the Cultivation and Operations Plan (Attachment 3), all corrective measures described in the WRPP have been completed. Conditions of approval require submittal and adherence to a Site Management Plan (SMP) (**Condition of Approval #16**). By adhering to the terms and conditions of the WRPP, SAA, and SMP, impacts to water resources will be minimized.

Biological Resources

Per review of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB) in September 2021, there are no mapped sensitive species onsite. The nearest NSO sighting is located approximately 0.59 miles from the nearest cultivation area, while the nearest NSO activity center is located approximately 1.85 miles away. Power at the site is provided by onsite solar, and, per the Cultivation and Operations Plan (Attachment 3), an 8,000 kW generator will be utilized only as a backup. The applicant anticipates the generator to be used "a couple of hours a couple of days a year." The conditions of approval require the applicant to adhere to the performance standards for noise set by Department Policy Statement No. 16-005, to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, refrain from using anticoagulant rodenticides to further protect wildlife, and ensure lighting meets International Dark-Sky Association standards and is fully

contained (**Conditions of Approval #18-19 and Ongoing Condition of Approval #1**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Timber Conversion

A review of historic satellite imagery dating back to 2004 shows that the site is predominately open, with trees located in the northern and southeastern portions of the parcel. It appears that approximately eleven (11) trees were removed during the development of the cultivation areas, and that conversion may have occurred onsite between 2010 and 2012, 2012 and 2014, 2014 and 2016, and 2016 and 2018. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and submit a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CAL FIRE, as determined necessary by the RPF, as well as any additional measures recommended by the RPF to address previously unpermitted timber conversion. Additionally, the applicant/owner shall be required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Further, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection (**Condition of Approval #11**). No additional tree removal is authorized by this permit.

Access

Access to the site is via a driveway off Sunset Ridge Road to Alderpoint Road. Alderpoint Road is a Category 4 County-maintained roadway. A Road Evaluation Report for a 1.9-mile segment of Sunset Ridge Road to Alderpoint Road was prepared for a nearby property located northwest of the site in August 2018 (Attachment 3), which indicates the roadway meets a Category 4 road equivalent standard and is adequate for the proposed use. The submitted road evaluation included sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. In response to comments received from the Department of Public Works, Land Use Division in July 2018, the project is conditioned to improve the intersection of the access road (Sunset Ridge Road) with Alderpoint Road to commercial standards, specifically by paving Sunset Ridge Road for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road) (**Condition of Approval #10**).

Due to the number of pending and approved cannabis projects along Sunset Ridge Road, the conditions of approval also require, within 1 year from the effective date, the applicant shall take steps to form a Road Maintenance Association for the maintenance of Sunset Ridge Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road (**Condition of Approval #9**).

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The majority of the project site is located in the Middle Main Eel Planning Watershed, with the northeastern portion of the site located

within the Lower Eel Planning Watershed. However, the portion of the site where cultivation occurs is within the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 86 permits and the total approved acres would be 41.95 acres of cultivation.

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

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

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

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

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

Resolution Number: 22-

Record Number: PLN-12216-CUP

Assessor's Parcel Number: 217-391-012

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Whipsawasons, LLC, Conditional Use Permit request.

WHEREAS, Whipsawasons, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 12,000 square feet (SF) of existing outdoor cannabis cultivation contained within sixteen (16) greenhouses and grown utilizing light deprivation techniques, including 1,200 SF of proposed ancillary propagation. Irrigation water is sourced from a 500,000-gallon rainwater catchment pond and there will be a total of 504,000 gallons of onsite water storage for irrigation. Estimated annual water usage is 137,000 gallons. Drying and bucking occurs onsite, with all other processing currently occurring offsite at a licensed processing or manufacturing facility; however, future onsite processing is proposed. Up to three (3) employees may be utilized during peak operations. Power is provided by onsite solar panels, with a generator to serve only as backup power; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **March 17, 2022**, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit for 12,000 square feet (SF) of existing outdoor cannabis cultivation, including 1,200 SF of ancillary propagation, contained within sixteen (16) greenhouses and grown utilizing light deprivation techniques, including 1,200 SF of proposed ancillary propagation. Irrigation water is sourced from a 500,000-gallon rainwater catchment pond and there will be a total of 504,000 gallons of onsite water storage for irrigation. Estimated annual water usage is 137,000 gallons. Drying and bucking occurs onsite, with processing currently occurring offsite at a licensed processing or manufacturing facility; however, future onsite processing is proposed. Up to three (3) employees may be utilized during peak operations. Power is provided by onsite solar panels, with a generator to serve only as backup power.

EVIDENCE: a) Project File: PLN-12216-CUP

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

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resource Protection Plan (WRPP) was prepared by Natural Resources Management Corporation in August 2017. A Notice of Applicability has been submitted to demonstrate enrollment into the State Cannabis Cultivation program. The WRPP identified 12 remedial actions required to bring the site into compliance with the Regional Board Program. Since preparation of the WRPP, the Regional Board program has migrated to the State Water Resources Control Board that over sees the State Cannabis Cultivation Policy. Conditions of approval require the applicant to adhere to and implement the recommendations of the WRPP. In addition, the applicant must provide documents related to the State Cannabis Cultivation program, including a Site Management Plan. The applicant is required to maintain enrollment in the SWRCB Cannabis Cultivation Program for the life of the project.
- d) California Department of Fish and Wildlife Resource Maps indicate no special status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database in September 2021 showed that Northern Spotted Owl habitat exists in the vicinity and the nearest positive sighting is 0.59 miles from the nearest cultivation area; however, the nearest activity center is 1.85 miles away. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) A review of historic satellite imagery dating back to 2004 shows that the site is predominately open, with trees located in the northern and southeastern portions of the parcel. It appears that approximately eleven (11) trees were removed during the development of the cultivation areas, and that conversion may have occurred onsite between 2010 and 2012, 2012 and 2014, 2014 and 2016, and 2016 and 2018. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and submit a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CAL FIRE, as determined necessary by the RPF, as well as any additional measures recommended by the RPF to address previously unpermitted timber conversion. Additionally, the applicant/owner shall be required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Further the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall

include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection. In addition, no additional tree removal is authorized by this permit.

- f) A Cultural Resources Investigation was prepared in September 2021 by William Rich and Associates for the subject parcel. Per the Report, there are no previously recorded resources on the subject property and no historic sites were identified onsite during the survey. No further archaeological work is recommended for the project.. As there is always the potential for inadvertent discovery of buried archaeological resources during ground disturbing activities associated with project implementation, the Report recommends inclusion of the Inadvertent Discoveries Protocol in the event of inadvertent discovery. By letter dated September 20, 2021, the Bear River Band of the Rohnerville Rancheria concurred with the archeologist's recommendation of inclusion of the Inadvertent Discoveries Protocol, which has been included as a condition of approval.
- g) A Road Evaluation Report for a 1.9-mile segment of Sunset Ridge Road to Alderpoint Road was prepared for a nearby property located northwest of the site in August 2018, which indicates the roadway meets a Category 4 road equivalent standard and is suitable for safe access to and from the project site. Sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight, was included. In response to comments received from the Department of Public Works, Land Use Division in July 2018, the project is conditioned to improve the access road (Sunset Ridge Road) to current standards for a commercial driveway, which includes paving Sunset Ridge Road for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road).
- h) Due to the number of cultivation projects along Sunset Ridge Road, both approved and pending, conditions of approval require the applicant to take steps to form a Road Maintenance Association for the maintenance of Sunset Ridge Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the

Open Space Plan and its Open Space Action Program.

4. FINDING

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

EVIDENCE

- a) The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.
- b) All general agricultural uses are principally permitted in the FR zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 12,000 square feet of cultivation on a 40.0-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- d) Conditions of approval require the applicant to provide evidence of an existing Streambed Alteration Agreement (SAA) or obtain from CDFW and adhere to and implement the projects and recommendations contained in the SAA and provide evidence to the Planning Department that the projects included in the SAA are completed to the satisfaction of CDFW. In addition, the project is conditioned to require all remaining corrective actions identified in the SMP be implemented. By implementing permit conditions from CDFW and making the recommended improvements contained in the SMP, impacts to nearby SMAs and watercourses are minimized.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 36 of Parcel Map No. 64 of Parcel Map Book 217, Page 39).
- c) Water for irrigation is provided by a 500,000-gallon rainwater catchment pond. The 500,000-gallon rainwater catchment pond is located in the northwest portion of the property and has a capture area of approximately 8,500 SF. The 10-year average rainfall on the site was found to be 63.6 inches and it was determined that the rainwater catchment system will collect an average of 337,500 gallons per year. Based on these calculations, the water needs of the project can be met entirely from rainwater catchment. Conditions of approval require the applicant to monitor water use from the pond and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.
- d) A Road Evaluation Report for a 1.9-mile segment of Sunset Ridge Road to Alderpoint Road was prepared for a nearby property located northwest of the site in August 2018, which indicates the roadway meets a Category 4 road equivalent standard functionally appropriate for the expected traffic.

Sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. In response to comments received from the Department of Public Works, Land Use Division in October 2018, the project is conditioned to improve the access road (Sunset Ridge Road) to current standards for a commercial driveway, which includes paving Sunset Ridge Road for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road).

- e) The slope of the land where cannabis will be cultivated is less than 15%, on man-made flats, as described in the Water Resource Protection Plan prepared by Natural Resources Management Corporation in August 2017.
- f) A review of historic satellite imagery dating back to 2004 shows that the site is predominately open, with trees located in the northern and southeastern portions of the parcel. It appears that approximately eleven (11) trees were removed during the development of the cultivation areas, and that conversion may have occurred onsite between 2010 and 2012, 2012 and 2014, 2014 and 2016, and 2016 and 2018. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and submit a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CAL FIRE, as determined necessary by the RPF, as well as any additional measures recommended by the RPF to address previously unpermitted timber conversion. Additionally, the applicant/owner shall be required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Further the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection. In addition, no additional tree removal is authorized by this permit.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 12,000 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school,

church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.

- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a 500,000-gallon rainwater catchment pond.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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

8. EVIDENCE a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but is currently developed with three housing units. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residences to continue to be utilized on this parcel.

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

EVIDENCE a) The majority of the project site is located in the Middle Main Eel Planning Watershed, with the northeastern portion of the site located within the Lower Eel Planning Watershed. However, the portion of the site where cultivation occurs is within the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 86 permits and the total approved acres would be 41.95 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Whipsawasons, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

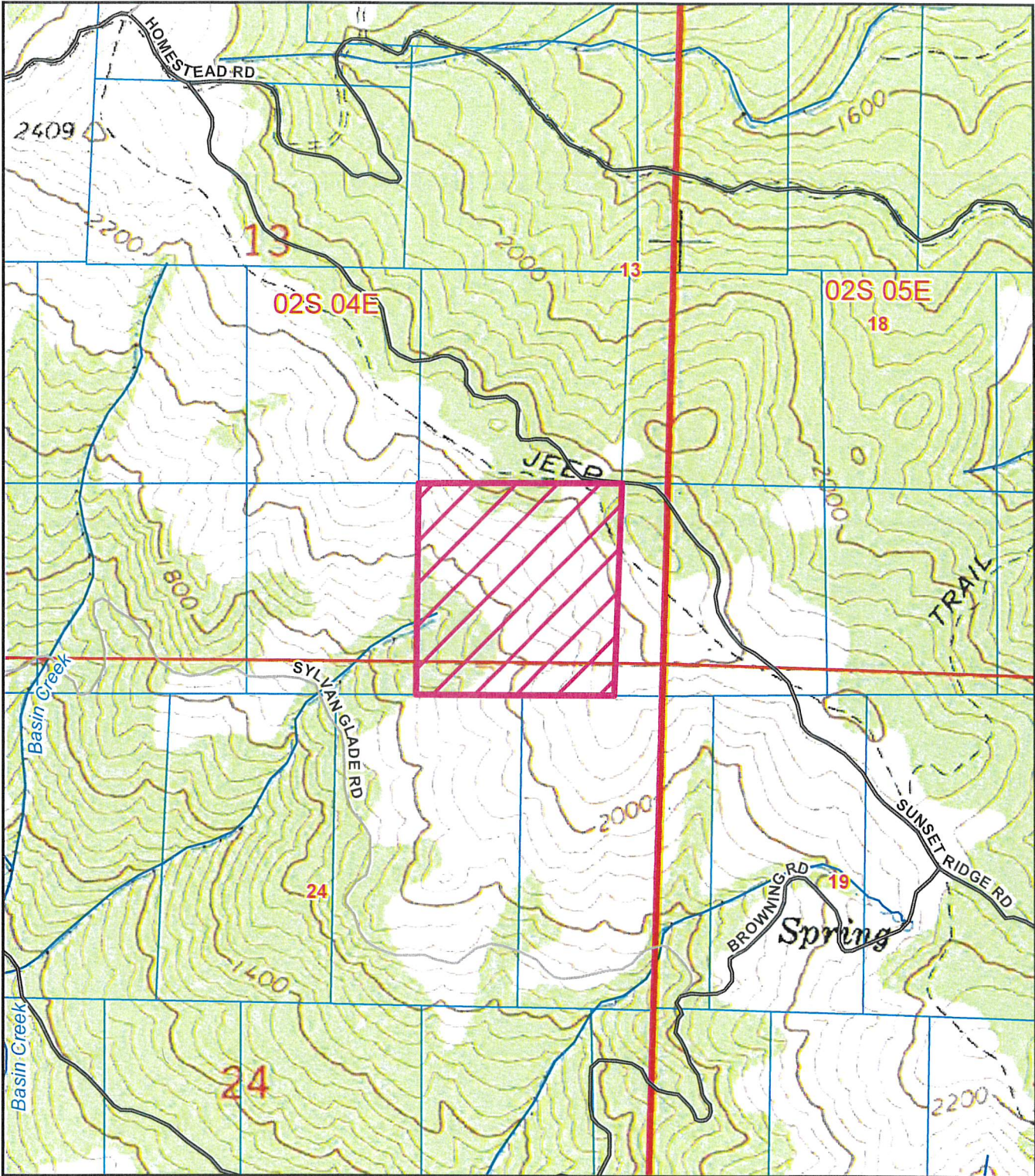
Adopted after review and consideration of all the evidence on **March 17, 2022.**

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

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

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

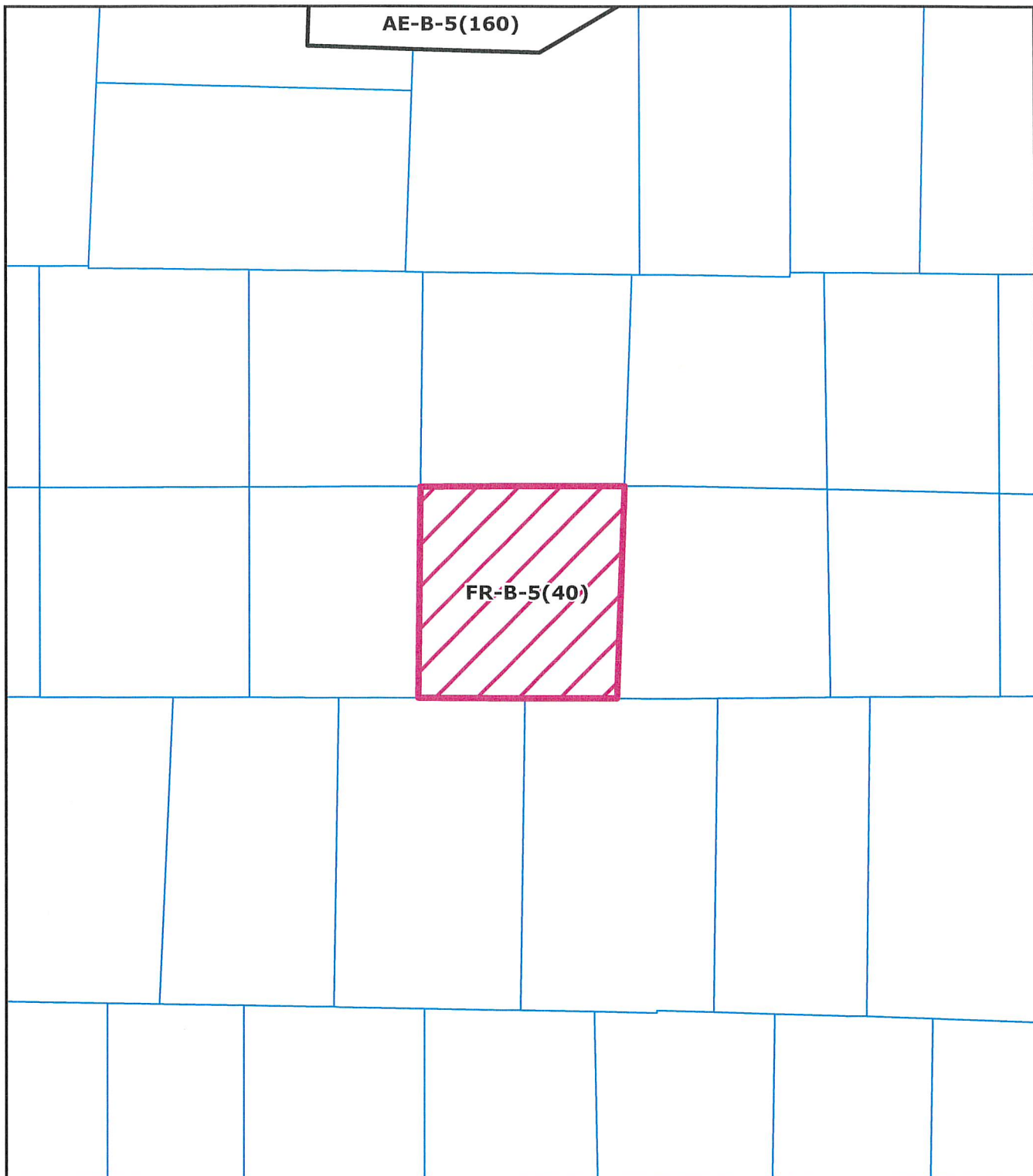
 John Ford, Director
 Planning and Building Department



TOPO MAP
PROPOSED SUNSET RIDGE ROAD, LLC
BLOCKSBURG AREA
CUP-16-570
APN: 217-391-012
T02S R04E S13; S24 HB&M (BLOCKSBURG)

Project Area =

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



AE-B-5(160)

FR-B-5(40)

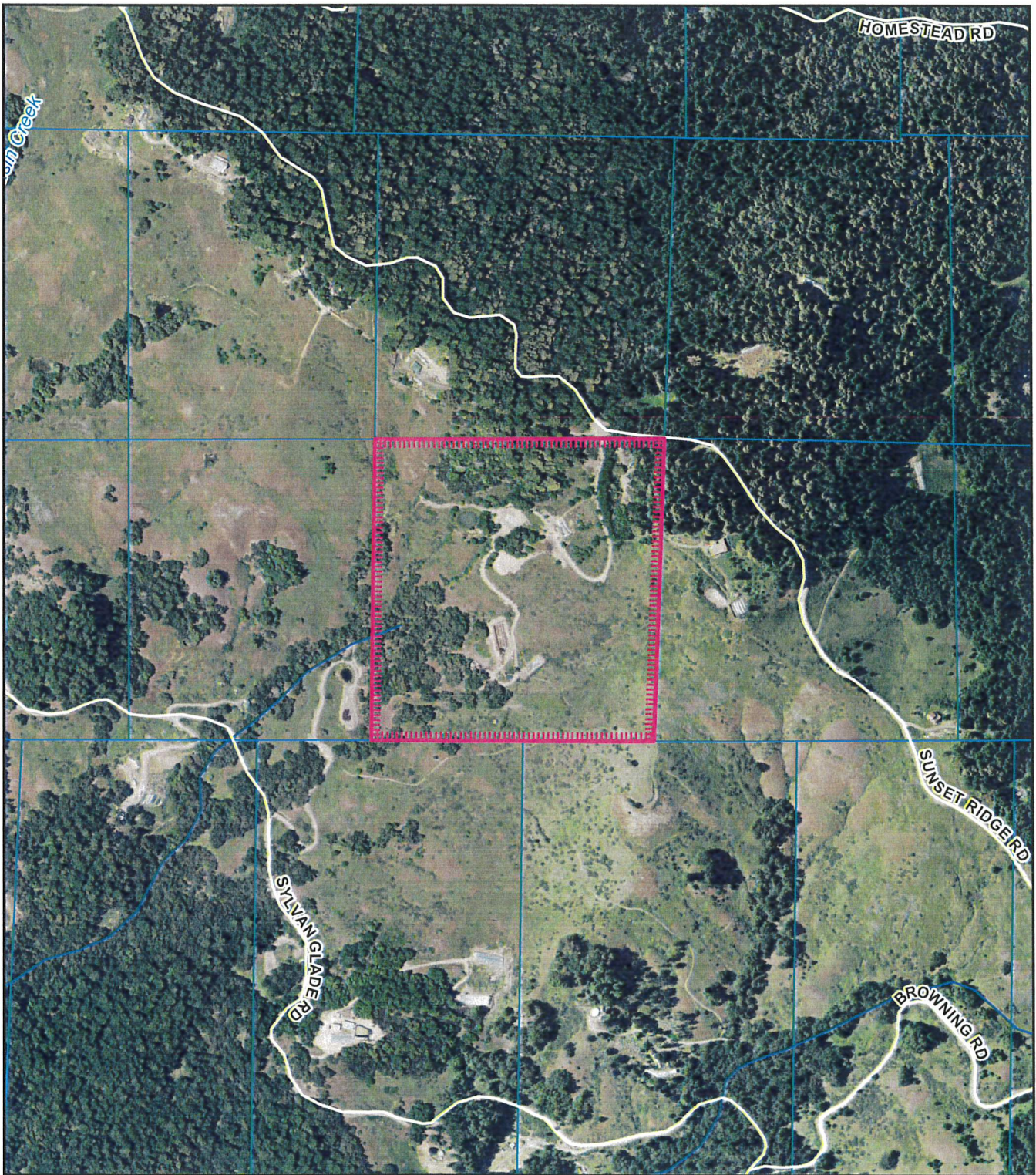
Project Area = 

ZONING MAP
PROPOSED SUNSET RIDGE ROAD, LLC
BLOCKSBURG AREA
CUP-16-570
APN: 217-391-012
T02S R04E S13; S24 HB&M (BLOCKSBURG)



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



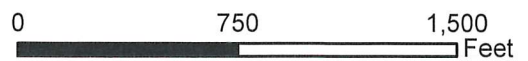


Project Area = 

AERIAL MAP
PROPOSED SUNSET RIDGE ROAD, LLC
BLOCKSBURG AREA
CUP-16-570
APN: 217-391-012
T02S R04E S13; S24 HB&M (BLOCKSBURG)



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.



WHIPSAWSONS, LLC

2555 SUNSET RIDGE RD. BLOCKSBURG, CA 95514

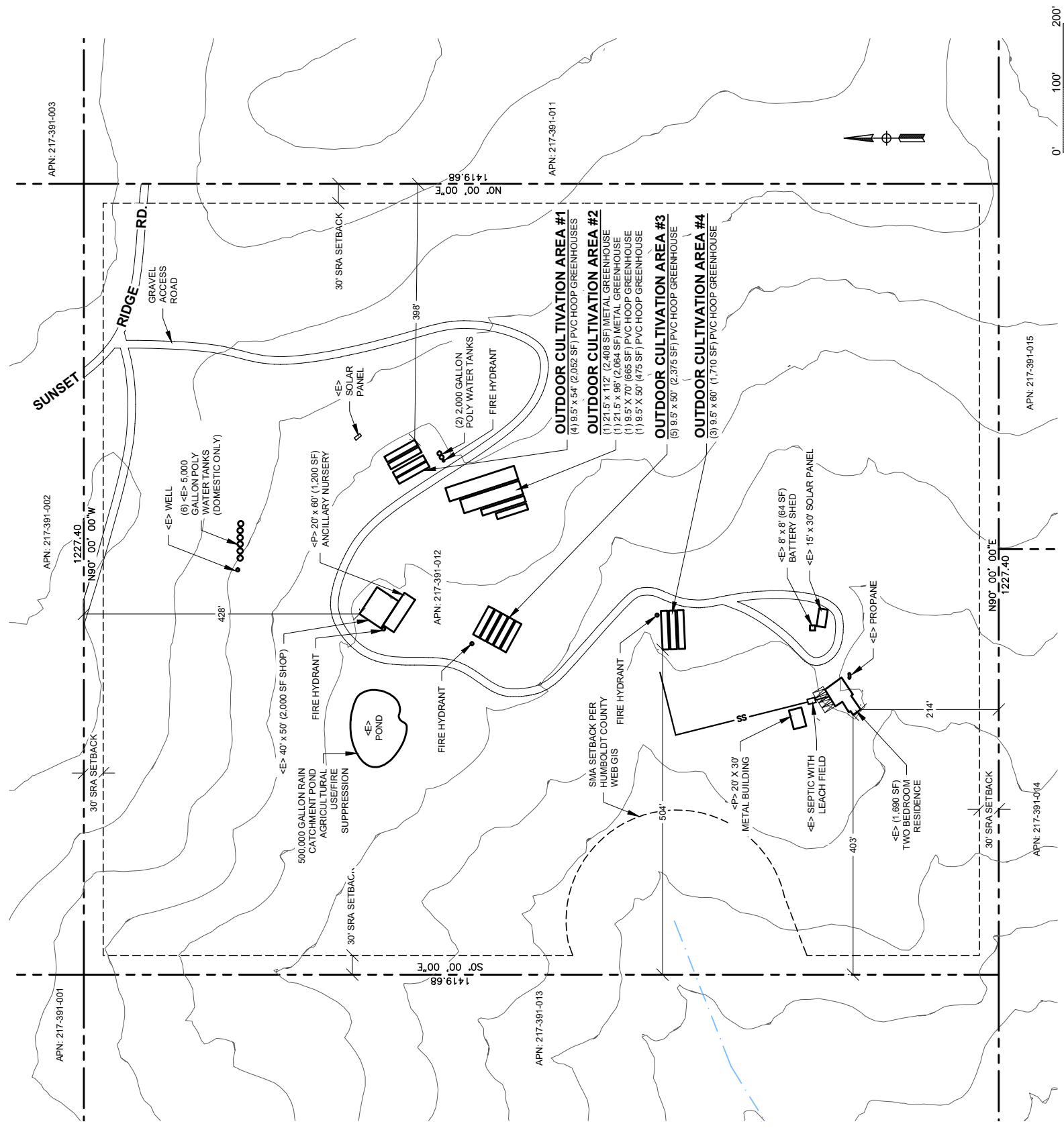
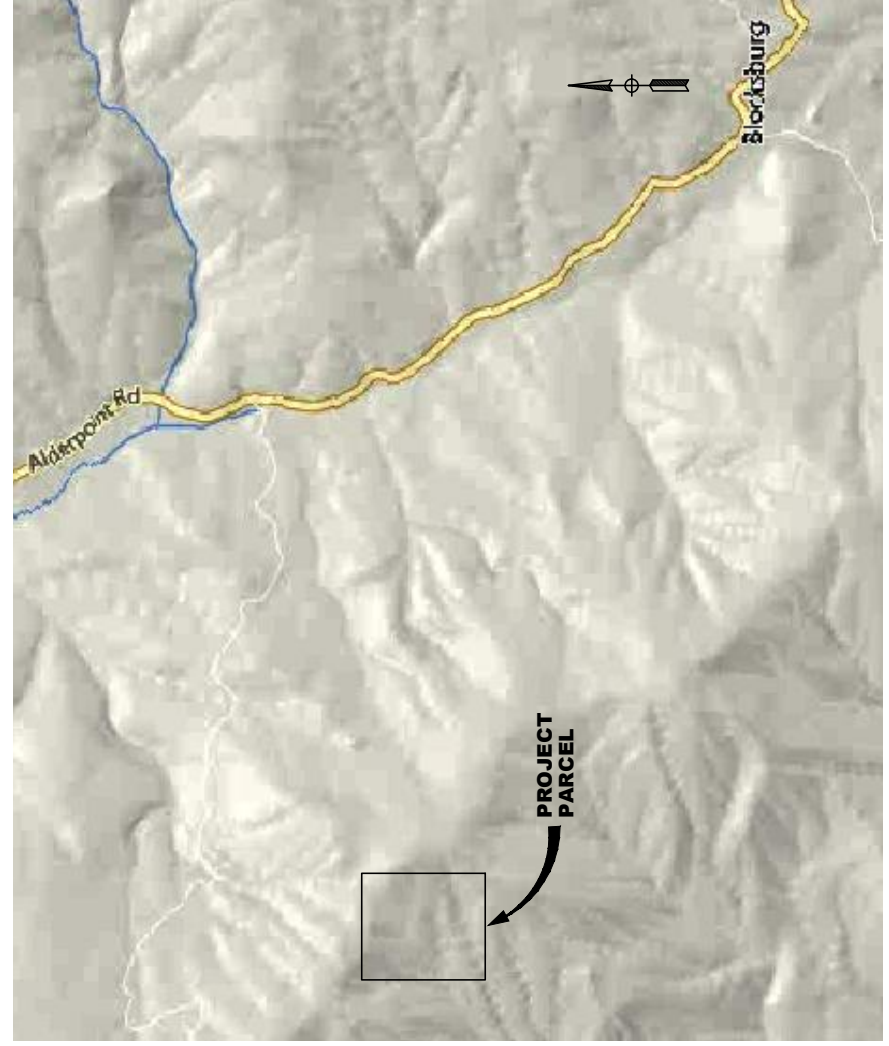
APN: 271-391-012



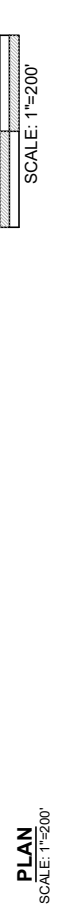
NO.	HISTORY / REVISION	BY	CHK.	DATE

WHIPSAWSONS CULTIVATION SITE
 2555 SUNSET RIDGE RD, BLOCKSBURG CA 95514
 PLOT PLAN
 APN: 271-391-012

DRAWN	JDB
CHECK	SD
APPROVED	SD
DATE	3-6-2021
JOB NUMBER	3.6.2021
SHEET	G0.1



- NOTES:**
- ALL LOCATIONS ARE APPROXIMATE. NO SURVEY WAS CONDUCTED FOR THIS PROJECT.
 - PROPERTY LINES ARE APPROXIMATE.
 - CONTOURS SHOWN HEREON ARE FROM NOAA 2018-2019 WILDFIRE SHAPE FILES.
 - IMAGE SHOWN HEREON IS FROM BING.
 - NO TREES WILL BE REMOVED FOR THIS PROJECT.
 - NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS WITHIN 800' OF CULTIVATION SITE. NO TRIBAL RESOURCES OR OFF-SITE RESIDENCES WITHIN 300'.
- OWNER INFORMATION:**
 OWNER: WHIPSAWSONS, LLC
- SITE INFORMATION:**
 40 ACRES
 SRA: YES
 ZONE: FR-B-5-(40)



PLAN
SCALE: 1"=200'

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 - a. Revise the square footage of onsite cultivation to reflect a maximum of 10,800 SF of cultivation to include the proposed nursery space of 1,200 SF, for a total of 12,000 of onsite cultivation.
 - b. All areas of ground disturbance, including but not limited to graded flats.
6. Within 60 days of the effective date of permit approval, the applicant shall submit an updated Cultivation and Operations Plan detailing the following, in addition to what is currently described:
 - a. Revise the square footage of onsite cultivation to reflect a maximum of 10,800 SF of cultivation to include the proposed nursery space of 1,200 SF, for a total of 12,000 of onsite cultivation.
7. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
8. The applicant shall secure building permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and

proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, graded flats and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

9. Within 1 year from the effective date, the applicant shall take steps to form a Road Maintenance Association for the maintenance of Sunset Ridge Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
10. 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. The applicant shall improve the access road (Sunset Ridge Road) to the subject parcel where it intersects the County Road (Alderpoint Road), and shall pave the access road 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. A letter or similar communication from the Department of Public Works will satisfy this condition.
11. The subject property shall be evaluated by a Professional Registered Forester (RPF) to determine the amount of timber conversion that occurred onsite before and after the CMMLUO baseline date of January 1, 2016. Any measures determined to be necessary by the RPF to mitigate for the unauthorized timber conversion shall be implemented. The report shall contain a restocking plan with recommendations for restocking of any timber conversion that occurred after January 1, 2016, at a rate of 3:1. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for a minimum of three (3) years with an 85% success rate. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. The timber conversion evaluation and restocking plan shall be submitted to the Planning Department for review and approved. A sign-off from the Planning Department will satisfy this condition.
12. The applicant shall secure a Final Streambed Alteration Agreement (Final SAA) from the California Department of Fish and Wildlife (CDFW), provide evidence of an issued Final SAA, and implement all terms and conditions of the Final SAA for all work required within the SMA, as necessary, including the prescribed administrative, avoidance and minimization, and reporting measures. The applicant shall submit a copy of the Final Streambed Alteration Agreement to the Planning Department. The applicant shall provide evidence of compliance by submitting the Final Streambed Alteration Agreement and annual reports or a letter or similar communication from CDFW stating a Lake or Streambed Alteration Agreement is not required. A sign-off from the Planning Department will satisfy this condition.
13. The applicant shall implement all remaining corrective actions detailed in the Water Resource Protection Plan (WRPP; WDID 1B161761CHUM) developed for the parcel by Natural Resources Management Corporation, dated August 14, 2017, prepared pursuant to the State Water Resources

Control Board (SWRCB) Order 2017-0023-DWQ. Such improvements include the following at the specific locations as detailed in the WRPP:

- a. Relocate beds out of SMA buffer at garden area #1 and #5 and revegetate areas within the SMA. Install permanent road drainage structures which shape the road surface, where feasible, to hydrologically disconnect road segments from surface erosion.
 - b. Redesign flat drainage at cultivation areas to prevent drainage towards surface waters.
 - c. Stabilize cutbank slump between pond and garden area #1.
 - d. Remove unused water storage at retired surface water diversion.
 - e. Remove smart pots from the north bank of the pond.
 - f. Stabilize or relocate two 3,000-gallon tanks downhill from agricultural building.
14. The use of portable toilets may be utilized on-site to support the existing cultivation operation. The applicant shall furnish receipts or other documentation to the Department of Environmental Health (DEH) for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. Any existing outhouses located on-site shall be destroyed. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
 15. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
 16. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including but not limited to a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the most recent reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department concurrent with the submittal to the SWRCB.
 17. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the two on-site wells and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
 18. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
 19. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
 20. 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.
 21. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

22. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
15. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Submit copies to the County and comply with the terms of the Final Lake and Streambed Alteration, as well as any subsequent amendments, once obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

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

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur

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

29. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #29 and 31 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**APN 217-391-012; 2555 Sunset Ridge Road, Blocksburg
County of Humboldt**

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

March 2022

Background

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

The modified project involves a Conditional Use Permit for 12,000 square feet (SF) of existing outdoor cannabis cultivation contained within sixteen (16) greenhouses and grown utilizing light deprivation techniques, including 1,200 SF of proposed ancillary propagation. Irrigation water is sourced from a 500,000-gallon rainwater catchment pond and there will be a total of 504,000 gallons of onsite water storage for irrigation. Estimated annual water usage is 137,000 gallons. Drying and bucking occurs onsite, with all other processing currently occurring offsite at a licensed processing or manufacturing facility; however, future onsite processing is proposed. Up to three (3) employees may be utilized during peak operations. Power is provided by onsite solar panels, with a generator to serve only as backup power..

All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 15%. The Nearest Northern Spotted Owl (NSO) activity center is approximately 1.8 miles from the nearest cultivation area, with the nearest NSO sighting located approximately 0.59 miles away. Artificial lighting is used to support the propagation area. However, power is primarily sourced from solar, and a generator is utilized only as a backup. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Cultural Resources Investigation prepared by William Rich and Associates in August 2021 and the Bear River Band of the Rohnerville Rancheria.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 12,000 square feet of cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Humboldt Drafting Services, received 2/23/2022.
- Cultivation and Operations Plan prepared by Elevated Solutions, LLC, received 2/23/2022.
- Water Resource Protection Plan (WDID 1_1B16761CHUM) prepared by Natural Resources Management Corporation dated 8/14/2017 for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Notice of Applicability (WDID 1_12CC403573) issued by the State Water Resources Control Board, dated 11/23/2021.
- Road Evaluation Report for Sunset Ridge Road to Alderpoint Road prepared by Trevor Stevens (13273-CUP, Adjacent Parcel), dated 7/18/2021.
- A Cultural Resources Investigation of for Commercial Medical Cannabis Cultivation for Whipsawasons, LLC, prepared by William Rich and Associates, dated 9/2021.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** - Site Plan prepared by Humboldt Drafting Services, received 2/23/2022)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** - Cultivation and Operations Plan prepared by Elevated Solutions, LLC, received 2/23/2022)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Water Resource Protection Plan prepared for North Coast Regional Water Quality Control Board Order No. 2015-0023 (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (**Attached** - Water Resource Protection Plan (WDID 1_1B16761CHUM) prepared by Natural Resource Management Corporation dated 8/14/2017 and Notice of Applicability (WDID 1_12CC403573) issued by the State Water Resources Control Board, dated 11/23/2021. Condition of Approval – Site Management Plan)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Condition of Approval)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Condition of Approval)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
16. Road Evaluation Report for Sunset Ridge Road to Alderpoint Road prepared by Trevor Stevens (Record Number: PLN-13273-CUP, Adjacent Parcel), dated 7/18/2021. (**Attached**)
17. Road Evaluation Report for Sunset Ridge Road to Alderpoint Road prepared for Element Farms (Record Number: PLN-11748-SP, Adjacent Parcel), dated 7/18/2021. (**Attached**)
18. A Cultural Resources Investigation of for Commercial Medical Cannabis Cultivation for Whipsawasons, LLC, prepared by William Rich and Associates, dated August 2021. (On file and confidential)

**Cultivation and Operations Plan
For
Whipsawasons, LLC
APN# 217-391-012/APP# 12216
State Provisional License # CCL21-0002955**

Proposed Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501



Prepared By:
Elevated Solutions, LLC
3943 Walnut Drive, Ste E
Eureka, CA 95503

February 2022

PROJECT DESCRIPTION:

Whipsawasons, LLC is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit (CUP) for a total of 12,000 SF of Outdoor Cultivation. The project includes the permitting of existing cultivation including Cultivation Area #1 (4) 9.5'x54' hoop house structures, Cultivation Area #2 (1) 21.5'x112', (1) 21.5'x96' metal greenhouses, (1) 9.5'x70' hoop house structure, and (1) 9.5'x50' hoop house structure, Cultivation Area #3 (5) 9.5'x50' hoop house structures, and Cultivation Area #4 (3) 9.5'x60' hoop house structure for a total of 12,000 SF of Outdoor Cultivation with light deprivation techniques in greenhouse structures.

Whipsawasons, LLC proposes to upgrade Cultivation Area #1 from (4) 9.5'x54' hoop houses to (2) 20'x60' metal greenhouses, Cultivation Area # 2 from (1) 9.5'x70' and (1) 9.5'x50' to (1) 22'x35' metal greenhouse, Cultivation Area #3 from (5) 9.5'x50' hoop houses to (2) 28'x45' metal greenhouses, and Cultivation Area #4 from (3) 9.5'x60' hoop houses to (1) 30'x60' metal greenhouse for a combined total of 11,962 SF of outdoor in metal greenhouse structures. Whipsawasons, LLC proposes a 1,200 SF ancillary nursery that will be used for propagation of nursery stock and will be located by the 40'x50' metal building. During the winter months propagation of clones will occur in the 40'x50' metal building. This propagation area will not be in operation when the 1,200 SF ancillary nursery is in operation. The applicant proposes additional solar panels to be installed on the metal building to provide power to the building and the nursery.

There is an existing 40'x50' building that is used for drying and curing of cannabis products. Processing will be done offsite at a licensed processing facility. Whipsawasons, LLC proposes a 20'x30' metal building to be constructed on the lower flat by the residence to be used as drying and curing for cannabis. The applicant proposes on-site processing in the future once the construction of the additional building is complete. There is an existing 1,690 SF two-bedroom residence built in 2009 with a functioning septic system.

Water for domestic use only is provided a groundwater well (Latitude 40.2874 and Longitude -123.6704) and is stored into 30,000-gallons of hard plastic water tanks during the wet rainy months. Water for Agricultural use is provided by the 500,000- gallon Rain Catchment Pond located at (Latitude 40.28625 and Longitude -123.67205). Agricultural water from the Rain Catchment Pond is then stored into (2) 2000-gallon hard plastic tanks for mixing nutrients.

Power is sourced from an existing Solar System; lower solar panel is 15'x28' supplying power for the residence drying building and ancillary nursery. The upper panel is 2.5'x10' supplying power for the well pump. An 8000 KW Honda generator is used for backup during power outages to charge the batteries. The generator is located within the solar shed and is directly connected to the solar system. Whipsawasons proposes a future expansion of the solar system by installing additional panels to the processing building

Site Description:

The project site is located approximately 59 miles southwest of Eureka CA. To reach the site from Eureka take US-101 South for 17 miles to exit 685 to HWY 36 east. Continue on HWY 36 for 24 miles then take a right onto Alderpoint Road. Stay on Alderpoint Road for 18 miles and take a right onto Sunset Ridge Road for 3.4 mile and the driveway is located on the left at 2555 Sunset Ridge Road Blocksburg CA. Approximate drive time from Eureka Ca is 1 hour and 40 minutes with a distance of 85 miles. The site is located at Latitude 40.2874 and

Longitude -123.6701. The subject parcel is approximately 40 acres in size (per Humboldt County WEBGIS).

LAND USE:

The subject property has a General Plan designation of Dispersed Housing as identified by the Northern Humboldt General Plan (NHGP) and is zoned FR-B-5(40) Forest Recreational: The Surrounding parcels are zoned Agricultural Exclusive (AE), Timber Production Zone (TPZ).

DEPARTMENT OF CANNABIS CONTROL:

Whipsawasons, LLC currently has an active Provisional State License # CCL21-0002955. Once CEQA Exemption is received the license will be transitioned into an Annual License.

State Water Resources Control Board:

A total of 4 ephemeral class III watercourses exists on this property. Water for domestic use is provided by a groundwater well located at (40.2874, -123.6701) and stored into 30,000 gallons of hard plastic storage during the rainy winter months. Water for Agricultural use is provided by a 500,000-gallon Rain Catchment Pond located at (40.28625, -123.67205). WDID# 1B161761CHUM.

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD:

Whipsawasons, LLC has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of 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* A Water Resources Protection Plan was developed for the project by Natural Resources Management Corporation and has been implemented for activities associated with onsite cultivation since August 2017 and all corrective measures per the WRPP have been completed. The Site Management Plan has been developed by Elevated Solutions and will encompass new corrective measures installing rolling dips and be implemented in the 2021 season.

HUMBOLDT COUNTY BUILDING DEPARTMENT:

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the CUP.

CAL FIRE:

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. There is a 5000-gallon water storage tank designated for fire use marked with a blue reflector located by the well at the upper cultivation area. There is an existing on-site pond that can be used for additional fire repression in case of an energy.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE:

An LSAA (1600-2018-0038-R1) was issued by CDFW on May 20, 2020. There is a total of 4 ephemeral Class III watercourses that exists on this property. All CDFW upgrades have been completed.

PROPAGATION AND INITIAL TRANSPLANT:

Juvenile plants are propagated on site from ‘mother plants’ in the 40’x50’ metal building until weather allows them to be moved to the 1,200 SF ancillary nursery area. Use of the building and ancillary nursery will never occur at the same time. Mother plants remain in the vegetative stage solely for propagation. Cuttings are taken from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce ‘clones.’ The clones remain in the nursery until they are planted in their flowering greenhouses. The juvenile plants are irrigated using hand watering methods.

CULTIVATION PLAN AND SCHEDULE:

The Outdoor cultivation will occur in greenhouse structures using light-deprivation methods. The greenhouses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse is ventilated by intake and exhaust fans and has met or exceeded all specifications for decibel readings. In the flowering greenhouses plants are placed in raised beds with soil medium and amendments. The beds are irrigation with drip lines. Plants remain in a vegetative state for up to two weeks. Plants are transitioned into flower with use of blackout traps to suppress the light cycle to 12 hours. The length the flowering cycle varies between 8-12 weeks depending on the strain.

Nursery Facility:

The proposed 1200 SF ancillary nursery area will be used to propagate plant stock for Whipsawasons, LLC. The ancillary nursery is equipped with one intake and one exhaust fan. There are oscillating fans located on the walls to assure proper air flow and circulation. The use of artificial lighting is used to promote plant grow. The sides of the greenhouse structure are also rolled up to allow air flow when possible. The lights in the nursery are powered by the solar system to keep plants in a vegetive state when necessary. The International Dark Sky Standard is followed by pulling traps to block light pollution. Plants are grown in the ancillary nursery area until they are ready to station into the final flower greenhouse structures. During the winter months propagation of clones take place in the 40’x50’ metal building until clones are established and weather permits to move them to the 1,200 SF ancillary nursery.

IRRIGATION PLAN AND SCHEDULE:

Irrigation and fertigation of plants occurs using top-feed drip irrigation watering method. Whipsawasons, LLC maintains that irrigation and fertigation is more efficiently managed via drip watering that is monitored by daily inspection of each plant by the cultivator and tailored irrigation and nutrient application plan is designed for each greenhouse depending on plant need to prevent overwatering and run off. Monitoring reports reflect all watering/feeding schedules.

HARVESTING:

Plants are harvested and weighed to collect the data for Metrc. Harvested plants that are suspended in the drying room which is equipped with ventilation fans and climate control

measures. The drying process takes approximately two weeks. When plants are dried, they are bucked down and placed in packages. Weights of all unprocessed product, waste and stocks are weighed and are recorded into the Metrc. Unprocessed product is transported to a license processing facility to be processed until a processing facility can be obtained on-site.

EMPLOYEE PLAN:

Whipsawasons, LLC has (3) three full time seasonal employees. Staff is on-site from April-October. Whipsawasons follows all employee labor law regulations, including worker comp insurance, liabilities insurance, training in sexual harassment and Cal-OSHA.

EMPLOYEE TRAINING AND SAFETY:

The employees are trained on each aspect of the procedure including cultivation and harvesting techniques and use of pruning tools, proper application and storage of pesticides and fertilizers. Access to the onsite cultivation, drying and processing facilities is limited to authorized and trained staff.

All employees are trained on proper safety procedure including fire safety, use of equipment and protocol in the event of an emergency.

Pesticide and Nutrient training are provided to each person using or exposed to these products. All employees will be required to complete a two-hour sexual harassment training course. The site manager will be trained in CPR and First Aid. Site manager and owner are required to complete the Private Applicator Certification (PAC) through the County of Humboldt Agriculture Department and a 30-hour general industry training for Cal-Osha. A copy of these training records is available onsite upon request.

TOILET AND HANDWASHING FACILITIES:

Portable ADA compliant bathroom is located within 250 feet of the work area.

ON SITE HOUSING:

There is one non-cannabis related resident on the property, 1690 SF two- bedroom residence built in 2009 with a functioning septic system.

FACILITY SECURITY:

An entry gate to the property is located off Sunset Ridge Road approximately 25 yards off the road. The entry gates always remains locked and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. Cameras are place throughout the road system, at cultivation areas, the drying building and the residence. The cultivation and drying facility areas have low intensity motion sensor lighting All lighting is designed and located so that limited light exposure exists. The drying/cannabis storage facilities will include an alarm system.

HOURS OF OPERATION:

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 6AM and extend no later than 8 PM.

WATER SOURCE AND PROJECTED WATER USE:

Domestic water is provided by a groundwater well and stored into 30,000 gallons of hard plastic storage during the wet rainy months. Agricultural water is provided by a 500,000 -

Gallon Rain Catchment Pond which is pumped into (2) 2000-gallon hard plastic tanks for mixing nutrients.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	10,000	15,000	20,000	24,000	24,000	24,000	20,000	0	0

WATER STORAGE:

Water storage for irrigation use is provided by the 500,000-gallon Rain Catchment Pond and (2) 2000-gallon hard plastic tanks for Agricultural use. Domestic use is provided by a groundwater well and stored into (6) 5000-gallon hard plastic storage tanks during the wet rainy months. Total water storage for Agricultural use is 504,000 gallons of water. Annual metered water use is 137,000 gallons of water.

SITE DRAINAGE, RUNOFF, AND EROSION CONTROL:

Whipsawasons, LLC is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP’s) in accordance with the NCRWQCB’s recommendations. The drainage and erosion control measures described below are referenced from the WRPP in Appendix E. A transition was made into the State Water Resource Control Board Order (SWRCB) as a tier 1 risk and a Site Management Plan (SMP) was developed to replace the WRPP.

SITE DRAINAGE AND RUNOFF:

Site investigation for the development of the Site Management Plan showed no evidence of surface runoff associated with the cultivation, nor was there evidence that it had occurred in the past. This area has good vegetation ground cover consisting of native grasses with no evidence of leaching from cultivation related activities.

Fertilizers and pesticides are currently stored in an 8’x20’ storage room that meets all requirements for secondary containment. Winterization and Erosion control measure are applied to prevent run off.

EROSION CONTROL:

The Water Resource Protection Plan (WRPP) includes erosion and sediment control BMP’s designed to prevent, contain, and reduce sources of sediment. The WRPP was developed by Natural Resources Management Corporation in 2017 and the corrective measures have been completed. The SMP done by Elevated Solutions also includes corrective actions to reduce sediment delivery, including stream crossing culvert maintenance and replacement and access road maintenance. Additionally, the WRPP and SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. See the WRPP section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* in Appendix E for complete BMP recommendations and specifications. The Site management plan was developed and has the current

erosion control plans defined. Please refer to the Site Management Plan (SMP) for additional information regarding site specific plan and the updated corrective measures for the 2021 season.

WATERSHED AND HABITAT PROTECTION:

Adherence to the SMP ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are >100+ feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the SWRCB & NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the SMP. Refer to the SMP for detailed descriptions of watershed and habitat protection measures.

MONITORING AND REPORTING:

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the SMP and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at 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. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the SMP with photo points identified on the SMP map. The applicant to also adhere to annual well monitoring as a term of the Conditions of approval of the CUP.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and storm water runoff.
- Following any rainfall event with an intensity of 3" 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>.
- Water Meters are installed on all water sources to monitor water use.
- AI Storage Tanks are inspected on a regular basis for leaks or faulty float valve.

A Monitoring and Reporting will be submitted on an annual. Monitoring reports will be send to SWRCB, CDFW and Humboldt County Planning.

ENERGY AND GENERATOR USE:

Off-grid electricity is provided by a solar system including a 15'x28' solar array with an inverter and battery system. An 8000 KW generator will be used for back up use only to charge the batteries. The generator is located within the solar shed and is directly connected to the battery system. The solar system is maintained annually by a solar professional. Generator use is limited to a couple of hours a couple of days a year. All generator use is monitored by staff and is only used in case of emergency. Whipsawsons proposed a future addition of solar panels to the processing building.

BEST MANAGEMENT PRACTICES:

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are in a locked storage room, and contained within watertight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP) and Site Management Plan (SMP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the SMP for complete BMP specifications for the use and storage of regulated products.

PESTICIDE AND NUTRIENT MANAGEMENT:

Pesticides and Nutrients are storage in a secured structure as recommended by the manufacture. Signage is posted on the exterior of all structures after pesticides are applied with pesticide used and allowable reentry times.

Pesticide use logs are stored onsite, and all personnel are trained on proper recording and management technics. The MSDS for all products is stored in the Pesticide use log and is available for all personnel. The Humboldt County Agriculture Department will be provided and updated of all Pesticide and Nutrient being used by Whipsawasons, LLC. Below is a list of all current products on site.

Pesticides:

- Green Cleaner
- Dr Zyme
- Plant Therapy

Nutrients:

- Organic Compost Tea
- Max Sea
- Bone Meal

Fuels and Oils:

Fuels and oils stored on-site will be storage in a secured storage room near the residence. The applicant will register and follow all necessary requirements for CUPA.

SOLID WASTE MANAGEMENT:

Trash and recycling containers are located near the processing building in safe enclosed location. Solid waste and recycling are hauled off-site to the nearest transfer station at least once per week.

CULTIVATION WASTE AND SOIL MANAGEMENT:

All green cultivation waste is either composted to off hauled to Eel River Salvage and Disposal a license cannabis disposal company located in Fortuna California. Spent potting soil is stored in a contained area with environmental measures in place. Spent soil is cover during winter months and then amended in pots before the further use. All packaging from soil amendments and fertilizers will be collected and disposed at Redway Transfer Facility in Redway CA.

WASTEWATER MANAGEMENT:

There is a working septic system on-site located by the residence. The applicant will obtain a permit for the septic system upon approval. The septic is maintained as recommended every 2-5 years by Steve's Septic Service. There is also a portable toilet onsite that is serviced by Six Rivers Portable Toilet.

**Water Resource Protection Plan
for APN 217-391-012
WDID 1B161761CHUM
Humboldt County**

Submitted to:

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

Prepared by:

*Aaron Katz
Natural Resources Management Corporation
1434 3rd Street
Eureka, CA 95501*

August 14, 2017





Figure 1: Vicinity map of APN 217-391-012 (in pink)

1

Water Resource Protection Plan
 WDID 1B161761CHUM
 APN 217-391-012

Natural Resources Management Corporation
 August 14, 2017

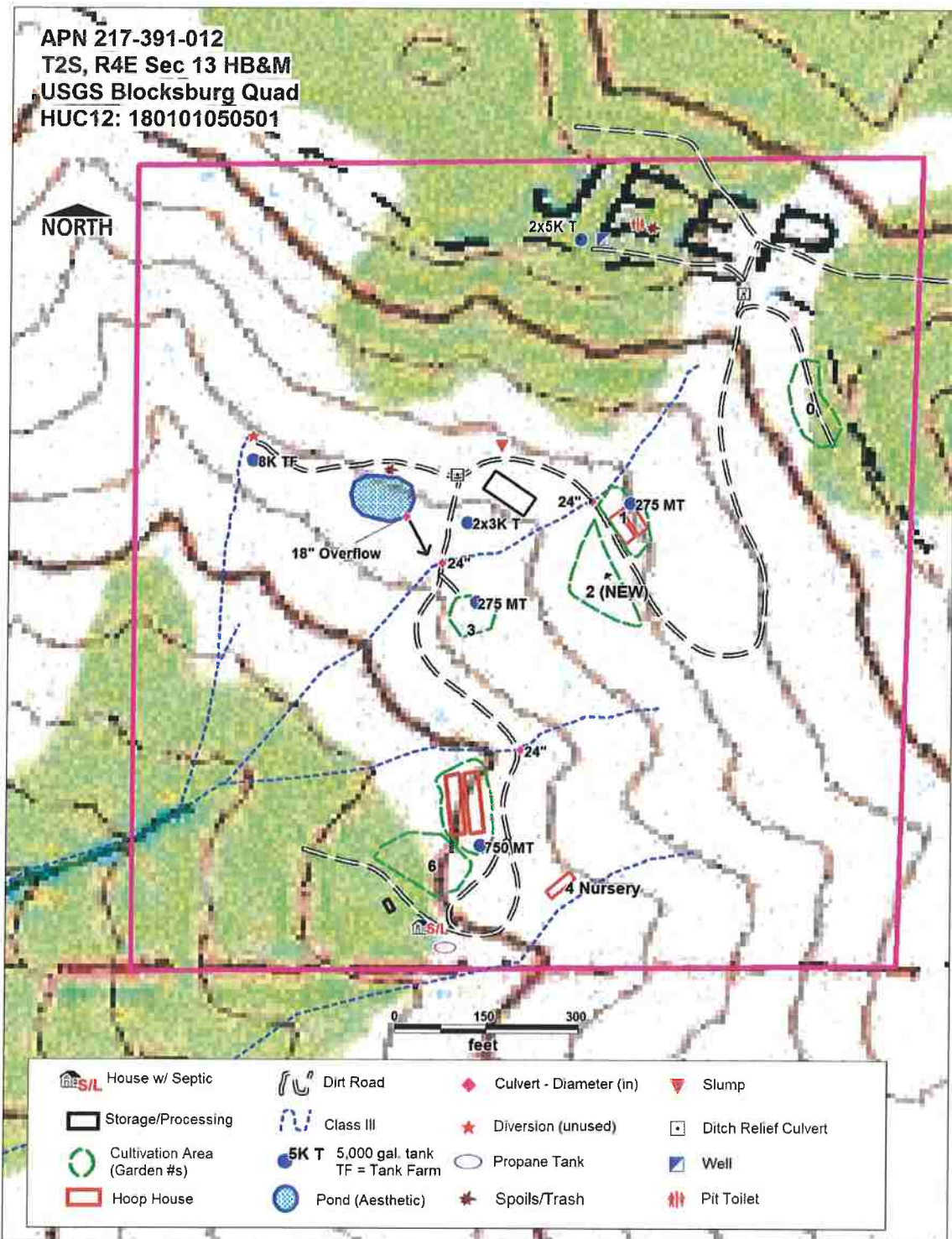


Figure 2: Site Map on USGS Topo



Figure 3: Site Map on 2016 NAIP

Water Resource Protection Plan

This document serves as the water resource protection (WRPP) plan for site APN 217-032-012 pursuant to Order No. R1-2015-0023. On August 13, 2015, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted a General Waiver of Waste Discharge requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region, Order No. R1-2015-0023. One of the requirements of the order is to prepare a Water Resource Protection Plan (WRPP) for all sites that are enrolled under Tier 2 of the order.

Site Summary

This property is located roughly three miles west of Blocksburg, CA, on a southwest-facing ridge at 2,000 feet elevation. It is in the upper headwaters of Basin Creek, a tributary to the main stem Eel River between Fort Seward and Eel Rock. The land was acquired by the current landowner in 2016.

The area is historically grassland and has an overall slope of roughly 25%, although cultivation areas are on man-made flats. There are four Class III streams on the property, and some cultivation sites are within their buffers. There is an aesthetic pond in a stable location which has a new overflow culvert. There are three stream crossings, which have recently been upgraded with properly sized culverts. Along with the stream crossing maintenance, the pre-existing flats were touched up and one new one was created.

There are seven cultivation areas in total, and with five currently in use, totaling at 30,170 square feet of cultivation area for the 2017 season. There are two gardens with mixed light cultivation, two with full term outdoor, and one nursery. Water for irrigation and domestic is supplied by a ridgetop well.

There is one main road that was also regraded and improved recently. There is a house, estimated to have been built in the 70s or 80s with a permitted septic.

The primary water quality issues at this site concern the cultivation areas' proximity to surface waters and associated runoff. Gardens #1, #3, #4, and #5 are within the 50-foot stream buffers, and Gardens #1, #3, and #6 have runoff that drains directly toward streams (figures 2 and 3). There are remnants of previous landowners' activities which need to be cleaned up, like an old water diversion and unused infrastructure near the well. Regarding erosion, there is one small cut bank failure on the road near the pond.

Current Conditions Please refer to Figures 1-3, Site maps

Watercourses

All four of the streams on the property are ephemeral Class III watercourses, therefore a 50-foot setback is required for all cultivation areas. The raised beds at Garden #1 are 40 feet from the Class III, so after the 2017 season, the beds will be shifted southeast on the flat out of the buffer. At Garden #3, the plants are 60 feet from the stream, but are 42 feet from the inboard ditch which delivers to a stream to the south (Photos 7, 8, 9). The flat will be redesigned to drain away from the ditch. That stream also has buffer issues with Garden #5. The raised beds are 38 feet from the stream. There is enough room on the flat to shift them out of the buffer after the 2017 season. Finally, Garden #4 (the nursery), is completely within the buffer of the southernmost stream on the property.

The western-most tributary on the property is the site of a discontinued water diversion installed by a previous landowner. There are two tanks associated with the diversion. These need to be removed if the diversion is not planned to be used. See Photo 10.

The pond (Photo 13) appears to be aesthetic and for fire-fighting. The pond is at least twenty years old, and it is not used as a water source for irrigation or domestic purposes. Its overflow is an 18-inch plastic culvert that drains directly into the Class III to the south. The outlet of the overflow delivers to the outlet of the 24-inch culvert on the Class III, but the channel is heavily armored here (photo 14). A field investigation of the pond by Steven Nesvold, P.E. of Omsberg & Preston Engineers, in March 2017 concluded that the pond embankments are stable and the overflow is adequately sized.

Watercourse Crossings

The three stream crossings on the property have been recently upgraded with 24-inch culverts. CulvertQ analysis of the drainage areas, shown in Table 1, confirmed that they were sized correctly. At each crossing, the inlet and outlet were heavily rocked in the channel as well as the associated fill slopes.

The outlet of the pond overflow culvert (see Photo 14) flows into the channel at the outlet of the stream crossing to the south. The channel and fill slopes were heavily rocked, but it is an area of concern because the channel will receive extra input during heavy rains. This area will be monitored.

In Table 1, #1 is the southern culvert and #2 and #3 are on the stream closest to the pond.

ID#	Existing Culvert(D) Diameter (in)	Headwall (HW) Height (in)	HW/D (ratio)	Selected Discharge Method	Q100 (cfs)	Culvert Capacity (cfs)	Is Culvert Undersized?	Recommended Culvert Diam. (in)	Recommendation Based On
1	24	0	0.0	Rational	6	12		24	Q100
2	24	0	0.0	Rational	6	12		24	Q100
3	24	0	0.0	Rational	4	12		24	Q100

Table 1. Existing Culvert Information and Culvert Size Recommendations Based on Culvert Q. ID#1 is on southern stream, and ID#2 & 3 are on northern stream.

Roads

There is one half-mile long main road on the property that starts at the ridge and ends at the house and lower gardens. This road was improved at the same time as the stream crossing upgrades. There are two ditch relief culverts (DRC). One is at the top of the property next to the gate (see Photo 22) that drains the access road ditch. It was recently replaced with an 18-inch plastic culvert and the outlet channel is heavily rocked.

The other DRC (see Photo 12) drains the inboard ditch into the pond, as the road makes a turn above the pond. The inlet and outlet of this DRC are well rocked. Road ditches were also improved and rocked at some locations. Photo 11 shows a cut bank slump up road of the DRC, between the DRC and Garden #1, that will need to be stabilized by installing rip rap of large boulders at the base of the slump.

Cultivation Areas

There are seven former and current grow sites on the property, numbered 0 through 6. Garden #0 (see Photo 1) is not in use anymore and is now a storage location for equipment and materials. This area was cultivated previously, until the current landowner bought the property. This flat is a pre-existing, wide road bed. Estimated area of the flat is 7,500 square feet.

Garden #1 (see Photo 2) is the uppermost garden in use. It is a pre-existing flat, but some expansion and modification was done along with the stream crossing and road work. This flat was originally built over the Class III channel to the northwest, which was causing some erosion problems. The channel was re-excavated and the flat shifted south. In that process, a drainage ditch was established on the north edge of the flat to drain towards the stream, just upstream of the culvert inlet (see Photo 3). The ditch between this flat and the road (see Photo 4) collects runoff from the flat and drains to the inlet of the stream crossing as well. Although these are sturdy drainage structures, the garden has the potential directly deliver to the stream. The flat should be gently regraded to drain towards the east corner, where runoff can infiltrate.

In the process of re-excavating the channel, the slopes leading down the stream were left with a layer of straw to prevent erosion, but a longer lasting treatment is needed here. The riparian area, roughly ten feet on each bank extending forty feet upstream of the culvert, should be revegetated with native grasses and 8-10 native riparian shrubs in 10-foot centers.

Garden#1 has two hoop houses, each with two 8-feet by 50-feet raised beds. Each raised bed has 100 (4 rows of 25) plants, for a total of 400 plants at this garden. The footprint of the hoop houses is 2,000 square feet, and the footprint of the flat is 5,400 square feet. Garden #1 is flat with a 1% slope and the northwest edge of the hoop houses are 40-feet from the class III creek. No cultivation can occur within 50-feet of the creek, and once moved, the buffer area will be revegetated native species.

Across the road from Garden #1 is a newly graded flat, Garden #2, seen in Photo 5. There was no cultivation or structures here in summer 2017. The area of the flat is roughly 9,300 square feet. The fill slopes are straw mulched. There is a similar drainage structure that drains towards the stream to the north. This flat should also be gently regraded to drain away from the stream if cultivation will occur here.

Garden #3 (see Photo 6) is downslope of Garden #2. It is roughly 4,000 square feet and is full term outdoor cultivation. In 2017 there were 45 plants total: 34 in large smart pots and 11 in 19-gallon soil bags. The edge of cultivation is 60 feet from the nearest stream, but it measures at 42 feet from the inboard ditch that receives runoff from this flat and delivers to the stream downslope. This flat will be redesigned to drain away from the road

Garden #4 (see Photo 15) is the plant nursery. In 2017, it was located on a small flat, 22 feet from a Class III stream. The area had evidence of standing water and is likely wet for part of the year. There is no room to expand here, so this area must be vacated. It consisted of one hoop house that was 500 square feet. All cultivation infrastructures will be removed. The area will be re-vegetated with native species.

Garden #5 (see Photo 16) consists of two hoop houses, each with two 8-foot by 100-foot raised beds. Each raised bed has 4 rows of 50 plants, totaling 800 plants. The footprint of the hoop houses is 4,000 square feet, and the flat that they are on is 10,770 square feet. The eastern bed measured 38 feet from the Class III stream to the north. There is enough room on the flat to shift the bed south to comply with the 50 feet riparian buffer.

The final, lowest garden is #6 (see photo 17). This garden has 250 plants (101 in 19-gallon bags, 78 in 100-gallon smart pots, and 71 in 30-gallon cloth pots) that are full term outdoor. The garden is a concave bowl that drains northwest and there is evidence of past sediment transport about 30 feet downslope of the garden. It presumably connects to the Class III stream downslope. An immediate, but temporary, treatment here is to straw waddle downslope of the garden in case of rain for the remainder of the 2017 season. Because of the inevitable drainage connection, this garden will be removed this winter (2017). There is potential garden space here if the northeast and southeast edges are terraced, but most of this garden will have to be permanently removed. Garden #0 or #2 would be suitable relocation areas for these plants for the 2018 season.

The total cultivation area for the 2017 season, excluding Gardens #0 and #2, is 30,170 square feet.

General Property Conditions

The ridgetop well has no well report and there is no record at the county offices. It will be submitted to CDFW in a Lake and Streambed Alteration (LSA) permit application, for their determination of the water’s jurisdiction. Near the well there is an old pit toilet, an oil drum, and a compressed gas canister. These need to be removed.

Some remnants of past cultivation remain, such as the unused diversion and tanks mentioned above. There are also several old smart pots with potting soil on the northern bank of the pond (Corrective Action 6). All of this should be removed and reused if possible.

Other structures include a recently built agricultural building (36-feet by 80-feet), seen in photo 13, on a flat near the pond and a storage shed near the house. There are two solar arrays one near the house for electricity and one above Garden #1 to power the well pump. There is a propane tank that provides electricity for the house.

The uppermost flat, Garden #0, is housing an excavator, a grader, and another piece of equipment, as well as rock, logs, and hoop house PVC pipes (Photo 21). All equipment should have drip pans. Equipment should be stored in a garage during the rainy season.

List of Chemicals Stored Onsite & Information about Use

Landowner uses compost teas, one for watering and one for a foliage spray. The compost tea for watering includes green waste, humus, and worm castings. The quantity of compost tea and application rate is currently unknown.

For future compliance, all nutrient, pesticide, herbicide, and fungicides used will be recorded. Specifically, the name of the product, the amount used and the method of application will be recorded each time a product is used. A copy of these records will be kept onsite. Annual quantities used will be reported to the NCRWQCB by March 31st of the following year with the MRP (Appendix C, Monitoring and Reporting Program).

Water Use

The total cultivation area (excluding Gardens #0 and #2) is **30,170 square feet**. Gardens #0 and #2 add another 16,800 square feet, but they are not being cultivated currently. Water use estimated in the MRP is **120,000 gallons** for the growing season. There was a total of 1,495 plants in the 2017 season.

The well pumps to two 5,000-gallon tanks on the ridge, then to mixing tanks at each garden. Drip irrigation is implemented.

Source	January	February	March	April	May	June	July	August	September	October	November	December
Well					10,000	20,000	30,000	30,000	20,000	10,000		

Table 2. Estimated monthly water use for irrigation in gallons

For future compliance, **water meters will be used** to quantify water use to storage and for irrigation. A photo of the meter reading will be taken on monthly to document water use.

Corrective Actions Please refer to Figure 4, Corrective Actions map (below)

Table 3. Features that need improvement. See Appendix B for Associated Standard Conditions (A.S.C.)

Map Point	Map Point Descriptions	A.S.C	Permanent BMP (Best Management Practices)	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
1	Garden #1 Buffer	3.a	Move raised beds out of 50 ft. buffer of stream. Revegetate buffer	1	November 1, 2017	
2	Garden #1 Runoff	6	Gently regrade flat to drain away from creek. Install settling pond at back corner	2	Before plants are in, 2018	
3	Garden #2 Runoff	6	Same as Garden #1, gently regrade to drain flat away from creek	2	Before plants are in, 2018	
4	Cutbank Slump	1.a	Stabilize with rip rap	1	November 1, 2017	
5	Remove Old Diversion	5.e	Remove water diversion	4	October 1, 2018	
6	Remove Smart Pots	4.a	Remove leftover smart pots on north edge of pond. Reuse or discard	4	November 1, 2017	
7	Two 3,000 gal tanks	5.f	Do not use these tanks until they are on stable, flat ground	4	N/A	
8	Garden #3 Runoff	6	Regrade flat to drain away from road ditch	2	Before plants are in, 2018	
9	Garden #5 Buffer	3.a	Shift raised beds to south out of 50 ft. buffer of stream. Revegetate buffer	1	November 1, 2017	
10	Garden #6 Runoff	6	Remove plants before winter 2017, revegetate area with native plants	1	November 1, 2017	
11	Relocate Nursery (Garden #4)	3.a	Remove all cultivation activities from this flat before winter 2017. Revegetate buffer	1	November 1, 2017	
12	Pit Toilet, Oil Barrel, Gas Container	11.b	Remove materials and fill in pit toilet	1	November 1, 2017	

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

- 1) The north edge of the raised beds at Garden #1 are 40 feet from the Class III stream to the north. After the 2017 season, move the beds south out of the buffer zone. All cultivation soil will be stored offsite for the winter. The riparian zone here was left as bare slopes and should be revegetated with native grass seed and riparian shrubs. Using ten-foot centers, roughly eight plants are needed in a 40-foot channel reach with ten feet on each side. Possible native grass mixes to use are Pacific Coast Seeds Habitat Mix (40 pounds per acre) or Native Erosion Control Mix (45 pounds per acre). Possible shrubs and trees that could be planted are: Oregon white oak (*Quercus garryana*), black oak (*Quercus kelloggii*), madrone (*Arbutus menziesii*), tan oak (*Notholithocarpus densiflorus*), coyote brush (*Baccharis pilularis*), and ocean spray (*Holodiscus discolor*). The area disturbed along the channel as well as the buffer area should be seeded with native grasses and then shrubs and trees planted on 10 foot centers.
- 2) The flat that Garden #1 is connected to the Class III stream to the north via a rocked depression. It is a well-made drainage structure, but cultivation areas cannot drain towards surface waters. The inboard ditch, nestled between the road and the flat also connects to the stream. For the rest of the 2017 season, straw wattles can help break the runoff from the drainages, but this flat will have to be regraded to drain away from the stream and the road. Runoff from the flat should drain towards the southeast edge, or towards the east corner, where it can infiltrate. The redesigning of the flat should be done before plants are put in for the 2018 season.
- 3) Garden #2, which has no cultivation for the 2017 season, also connects to the Class III stream via a rocked depression. Before this area is used for cultivation, it will need to be redesigned to drain away from the stream.
- 4) There is a cutbank slump between the pond DRC and Garden #1 that needs to be stabilized. Rip rap of boulders should be placed at the base. Ideally this will happen before the winter of 2017/2018.
- 5) An unused surface water diversion still exists on the westernmost stream on the property. Downstream of the diversion are two water tanks to remove.
- 6) Remove smart pots with soil from the north bank of the pond. The materials can be reused or discarded.
- 7) Downhill from the agricultural building, two 3,000-gallon tanks are situated on the slope at an unstable angle to be filled at. If these tanks are to be used, they must be set on stable, flat ground.
- 8) Garden #3 runoff connects to the inboard ditch which then connects to the Class III stream to the south. Like Gardens #1 and #2, it should be redesigned to slope away from the road and from the Class III stream to the north. The slope to the south is the only appropriate direction for drainage.
- 9) The northeast corner of the raised beds of Garden #5 is 38 feet away from the Class III stream to the north. There is enough room on the southeast corner of the flat to shift the garden out of the buffer. The beds should be moved before the start of the 2018 growing season. The buffer area should be revegetated with native grasses. Possible native grass mixes to use are Pacific Coast Seeds Habitat Mix (40 pounds per acre) or Native Erosion Control Mix (45 pounds per acre).
- 10) Garden #6, which consists of 250 full term plants, occupies a wide, northwest sloping bowl, that drains toward a Class III stream. The setting here is not conducive to cultivation because there is no way to

reorient the drainage away from the stream. After the 2017 season, plants will be removed from here, and possible relocation areas could be Garden #2 or #0.

We recommend abandoning this site and revegetating the area with native grasses, shrubs, and trees. Possible native grass mixes to use are Pacific Coast Seeds Habitat Mix (40 pounds per acre) or Native Erosion Control Mix (45 pounds per acre). Possible shrubs and trees that could be planted are: Oregon white oak (*Quercus garryana*), black oak (*Quercus kelloggii*), madrone (*Arbutus menziesii*), tan oak (*Notholithocarpus densiflorus*), coyote brush (*Baccharis pilularis*), and ocean spray (*Holodiscus discolor*). The area should be seeded with native grasses and then shrubs and trees planted on 10 foot centers. However, a possible mitigation would be to terrace the northeast or southeast edges and mitigate any runoff downslope. This will not make up for the majority of the cultivation space, but it may provide some. If this option is to be pursued, consult with NRM beforehand.

- 11) The nursery, which is a 10-foot by 50-foot hoop house, is 20 feet from a Class III stream. The entirety of the flat that it is located on is within the 50-foot buffer of the stream, so there is no appropriate location there for the nursery or any cultivation. It will be removed and relocated after the 2017 season. The stream buffer should be revegetated native grasses and shrubs. Possible native grass mixes to use are Pacific Coast Seeds Habitat Mix (40 pounds per acre) or Native Erosion Control Mix (45 pounds per acre). Possible shrubs that could be planted are: coyote brush (*Baccharis pilularis*), and ocean spray (*Holodiscus discolor*). The area should be seeded with native grasses and then shrubs should be planted on 10 foot centers.
- 12) About twenty feet southeast of the well, there is an old pit toilet, an oil drum, and a compressed gas container. The toilet should be dismantled and the pit should be filled in. The other items need to be appropriately disposed of. The gas canister may be reusable.

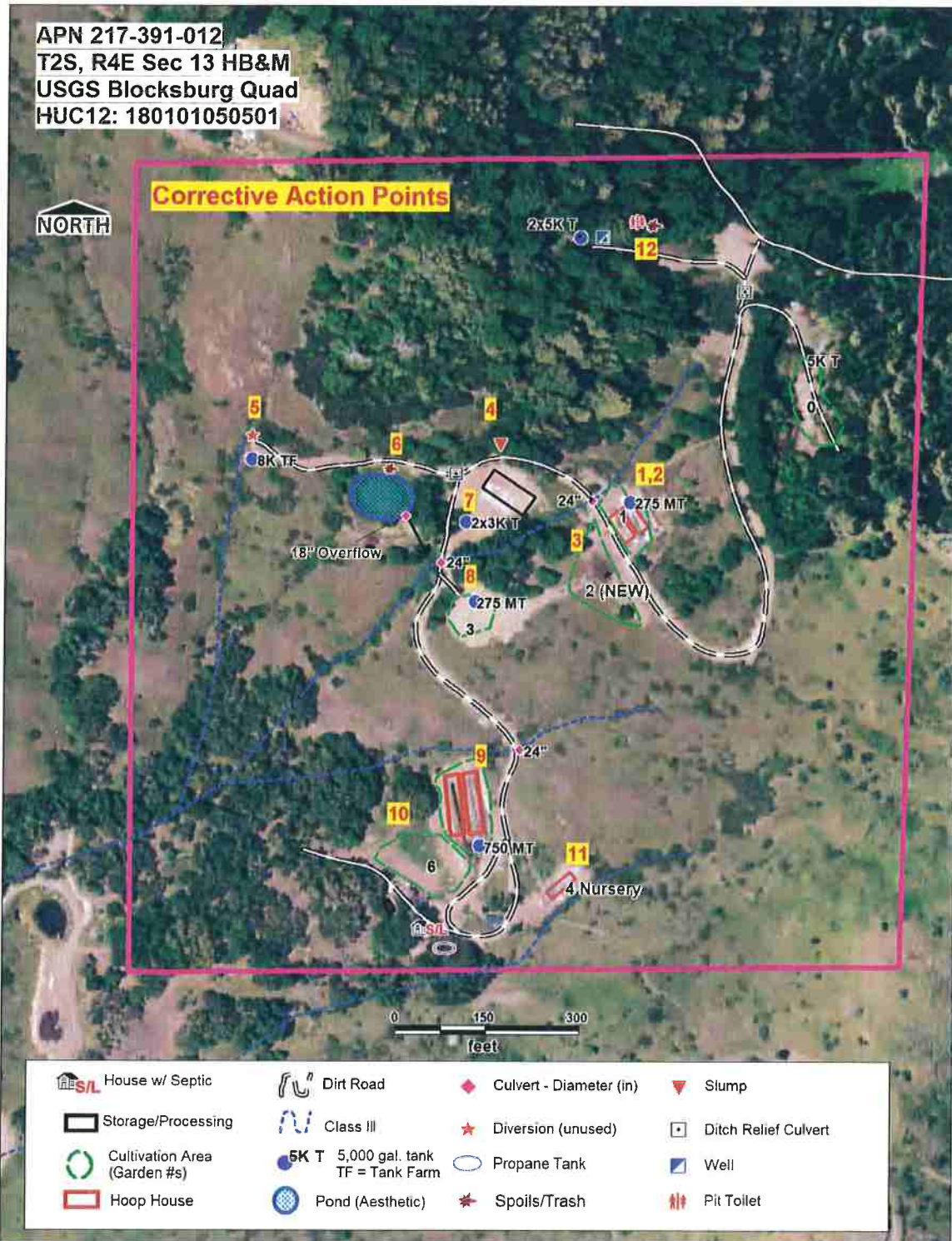


Figure 4. Corrective Actions Map

Winter Site Preparation

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

- Soil used in cultivation will be covered in bags or beds
- Any bare soil on the fill slopes will be covered with straw 2 to 3 inches thick and secured with a tackifier, or vegetated.
- Cannabis stems and root balls will be chipped, thrown away, or burned
- All nutrients, fuels, and other chemicals will be placed in a secure storage shed
- All cultivation trash and debris will be properly disposed of. Receipts for disposal will be kept.
- Any vegetation or debris obstructing the inlet or outlet of the culverts will be removed and disposed of where they cannot enter any streams and at least 200 feet from any streams.
- Roads will be checked for functioning drainage ditches and DRCs

Monitoring

Corrective Action Monitoring

1. Can be photo documented and sent to NRM when beds are moved out of buffer at end of season.
2. NRM will monitor for completion when flat is redesigned before the growing season of 2018.
3. NRM will monitor for completion when flat is redesigned before the growing season of 2018.
4. Can be photo documented and sent to NRM when rip rap is installed.
5. Can be photo documented and sent to NRM when removed.
6. Can be photo documented and sent to NRM when removed.
7. Can be photo documented and sent to NRM when placed in a stable location.
8. NRM will monitor for completion when flat is redesigned before the growing season of 2018.
9. Can be photo documented and sent to NRM when beds are moved out of buffer at end of season.
10. Can be photo documented when plants are removed from area. Future cultivation on this site will require consultation with NRM.
11. Can be photo documented and sent to NRM when hoop house and materials are fully removed from flat.
12. Can be photo documented and sent to NRM when removed

Annual Monitoring

Fall / Winter Monitoring

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

During each monitoring session, the following items will be inspected:

1. Pumps, nutrients, fertilizers, and any petroleum products are stored in a dry, enclosed location.
2. Soil and any spoils are properly contained and covered to prevent nutrient leaching.
3. Culvert inlets and outlets.
4. Waterbars and road drainage structures.

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

Growing Season Monitoring

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

- Tanks, bladders, and water lines to ensure there are no leaks
- Cultivation area during or immediately after watering to ensure irrigation water is soaking into the surface (not running off)
- Cultivation area to ensure that all fertilizers are properly contained in the storage shed, that all trash and debris is properly contained and secured.

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

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

An annual monitoring report will be submitted to the by March 31st of each year. The report will include the Appendix C reporting form the NCRWQCB Order No. R1-2015-0023.

Water Resource Protection Plan

Name of Legally Responsible Person (LRP) _____

Title for LRP (owner, lease, operator, etc.) _____

Signature: _____ Date: _____

WRPP prepared by: **Natural Resources Management Corp. (NRM)**

Date: _____

NRM Signature: _____

Appendix A. Photo Documentation Photos taken July 20, 2017



Photo 1: Garden #0, upper flat with equipment. No cultivation in 2017



Photo 2: Garden #1; 4 beds, 8'x50', 4x25 plants, 400 total



Photo 3: Looking downstream at 24” culvert inlet. Class III on right, drainage from flat (Garden #1) on left. Revegetate bare slopes here. Corrective Action #2.



Photo 4: Looking up road from 24” culvert at ditch runoff from grow area 1. Will need to redesign flat drainage away from stream. Corrective Action 2.



Photo 5: Grow area 2 – recently graded flat, no cultivation yet. Corrective Action 3.



Photo 6: Garden #3. Fill slope of Garden #2 in top right of photo.



Photo 7: Looking upslope at Garden #3; runoff from this garden comes down this stretch and connects to ditch. Corrective Action #8



Photo 8: Looking down main road. Runoff from Garden #3 (Photo 7) delivers to inboard ditch here and into stream below.



Photo 9: Ditch input (left) from road with connectivity to Garden #3; 24" culvert inlet on Class III.



Photo 10: 300gal and 500gal tanks at previous stream diversion. Corrective Action 5.



Photo 11: Cut bank slump on road above pond. Corrective Action 4.



Photo 12: DRC inlet below cut bank slump. DRC inputs into pond.



Photo 13: Aesthetic pond. Input DRC on left, overflow culvert on right. Storage and processing building and tilted tanks (Corrective Action 7) in background.



Photo 14: Looking downstream at 24" culvert outlet (center) of stream xing, and pond overflow culvert outlet (right).



Photo 15: Garden #4 – nursery hoop house; creek on right. Will relocate (Corrective Action 11).



Photo 16: Garden #5. 4 raised beds, 8'x100', 4x50 plants each, 800 plants total. Corrective Action 9.



Photo 17: Garden #6, looking downslope. Unsuitable location because of inevitable drainage towards creek. Corrective Action 10.



Photo 18: House, shed on right.



Photo 19: Well and two 5,000gal tanks



Photo 20: Pit toilet, compressed gas canister, oil drum to be disposed of near well. Corrective Action 13



Photo 21: Materials stored at Garden #0.



Photo 22: Looking up at DRC outlet at gate.

Appendix B. Associated Standard Conditions

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

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

A. Standard Conditions, Applicable to All Dischargers

1. Site maintenance, erosion control and drainage features

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

2. Stream Crossing Maintenance

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

- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible. At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible. If infeasible to install a critical dip, an alternative solution may be chosen.

3. Riparian and Wetland Protection and Management

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

4. Spoils Management

- a. Spoils shall not be stored or placed in or where they can enter any surface water. Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.

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

5. Water Storage and Use

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

6. Irrigation Runoff

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

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

7. Fertilizers and Soil Amendments

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

8. Pesticides/Herbicides

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

9. Petroleum products and other chemicals

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.
- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.
- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

10. Cultivation-related wastes

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

11. Refuse and human waste

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

12. Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road 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.



State Water Resources Control Board

Sent by email. No hard copy to follow.

Effective Date: 11/23/2021

WDID: 1_12CC403573

Whipsawason's LLC
Attn: Leslie Doyle
Email: lesley@elevsolutions.com

FACILITY ADDRESS:
2555 Sunset Ridge Road
Blocksburg CA, 95514
Humboldt County

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ

This Notice of Applicability (NOA) provides notice that the requirements of the State Water Resources Control Board (State Water Board) *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and Order WQ 2019-0001-DWQ (General Order), are applicable to the site as described below.

DISCHARGER: WHIPSAWASON'S LLC

WDID: 1_12CC403573	ORDER: WQ 2019-0001-DWQ
Enrollment – Type	Enrollee - WDR
Tier and Risk	Tier 2 Low Risk
Wastewater Disposal	Not Applicable
Disturbed Area (SqFt)	56107
Cultivation Area (SqFt)	12000

FACILITY APNs:

217-391-012-000

Additional site-specific requirements are contained in this NOA. The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this NOA.

If you have any further question, please contact North Coast Regional Cannabis Unit at northcoast.cannabis@waterboards.ca.gov.

APPROVED BY

Karen Mogus
Deputy Director
Division of Water Quality

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

The *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy) and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order) are available at <<http://www.waterboards.ca.gov/cannabis>>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, and this Notice of Applicability (NOA). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities (Attachment A of the General Order).

Please direct submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Cannabis Unit, at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov unless otherwise directed in this document.

CONTENTS:

1. **ENROLLMENT RESPONSIBILITIES**
2. **FACILITY AND DISCHARGE DESCRIPTION**
3. **PROJECTS AND MAINTANCE OCCURING IN STREAMS AND WETLANDS**
4. **GENERAL REQUIREMENTS**
5. **TECHNICAL REPORT REQUIREMENTS**
6. **MONITORING AND REPORTING PROGRAM**
7. **ANNUAL FEE**
8. **TERMINATION OF COVERAGE UNDER THE GENERAL ORDER**
9. **REGION SPECIFIC REQUIREMENTS**

Additional Cannabis Water Quality Resources

The links below are available on the last page of this document

Water Boards' Cannabis Cultivation Webpage	Water Quality Fees Webpage
Cannabis Policy	Water Quality Annual Fee Invoice Lookup
Cannabis General Order	Facility-At-A-Glance Report
Rural Roads Handbook	Cultivation Permitting Agency Webinar

For translation assistance, please contact the following:

Spanish: Para obtener más información en español por favor contáctenos al teléfono (916) 341-5265 o vía email a: OPP-LanguageServices@Waterboards.ca.gov.

Hmong: Rau kev npaub ntxiv ua lus Hmoob, thov txuas lus nrog peb ntawm xov tooj (916)-341-5265 los sis email: OPP-LanguageServices@Waterboards.ca.gov.

1. ENROLLMENT RESPONSIBILITIES

Whipsawson's Llc (hereafter "Discharger") submitted information, or updated enrollment information, for discharges of waste associated with cannabis cultivation at or near 2555 Sunset Ridge Road Blocksburg CA, 95514. The Discharger's cannabis cultivation activities are in compliance, will be in compliance with, or the Discharger will contact the Regional Board if they cannot be in compliance with the requirements of the State Water Board's Policy and General Order before the winter period. You are hereby assigned waste discharger identification (WDID) number 1_12CC403573.

The Discharger is responsible for all applicable requirements in the Policy, General Order, and this NOA, including submittal of all required reports. The Discharger is the sole person with legal authority to, among other things, change information submitted to obtain regulatory coverage under the General Order; request changes to enrollment status, including tier and risk designation; and terminate regulatory coverage. The Discharger may designate a third-party representative/agent to represent them in issues related to the General Order but must do so in writing. The Regional Water Quality Control Board (Regional Water Board) or the State Water Board (collectively Water Boards) will hold the Discharger liable for any noncompliance with the Policy, General Order, or this NOA. Pursuant to the General Order, if the Discharger is not the landowner, the Discharger must have express written permission of the landowner authorizing the cannabis cultivation activities. If the landowner contests this NOA and the Discharger cannot obtain consent, the Discharger will be required to submit a request for termination of coverage under the General Order, as described in Section 5 below.

This NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Cannabis Control, required permits from your local jurisdiction (city or county), and an agreement or exemption from agreement from the California Department of Fish and Wildlife. The Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from other agencies prior to cultivating cannabis.

2. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger indicates:

1. the disturbed area is greater than or equal to 1 acre (43,560 square feet)
2. no portion of the disturbed area is within the required riparian setbacks
3. no portion of the disturbed area is located on a slope greater than 30 percent

Therefore, the activities are classified as Tier 2 Low Risk and meet the requirements of the General Order.

If site conditions described above change, you must contact the North Coast Regional Cannabis Unit listed at the top of page 2.

3. PROJECTS AND MAINTANCE OCCURING IN STREAMS AND WETLANDS

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

and monitoring fees will apply. Please contact the North Coast Regional Cannabis Unit for application forms, fee information, and instructions.

4. GENERAL REQUIREMENTS

The General Order requires that all applicable best practicable treatment or control (BPTC) measures listed in Attachment A of the General Order be implemented before the onset of the winter period November 15 to April 1. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period shall submit to the Regional Water Board a Site Management Plan that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in General Requirement No. 33 in Attachment A of the General Order.

The Discharger shall notify the Regional Water Board in writing of any proposed change in the method of waste disposal for irrigation tailwater, hydroponic wastewater, or other miscellaneous industrial wastewaters. Note the following:

- i. Discharge to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater is permissible under the General Order. A will-serve letter (or equivalent) from the sewer agency is sufficient to demonstrate that the discharge is in compliance with wastewater system requirements and shall be made available to the Water Boards upon request.
- ii. The Discharger shall retain, for a minimum of five years, appropriate documentation for any industrial wastewater collected to a storage tank for disposal at a permitted wastewater facility that accepts cannabis cultivation wastewater. Documentation shall be made available to the Water Boards upon request.
- iii. The Discharger must obtain separate regulatory authorization (e.g., site-specific Waste Discharge Requirements (WDRs), conditional waiver of WDRs, or other permit mechanism) from the Regional Water Board prior to implementing alternative waste disposal methods, such as onsite wastewater treatment systems, including, but not limited to, a septic/leach field system, evaporation ponds, or onsite landscape irrigation using treated wastewater. Additional monitoring and reporting requirements may be necessary to demonstrate compliance with the General Order and the Regional Water Board's Basin Plan.

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

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- ii. access and copy any records required to be kept under the terms and conditions of the Policy and General Order;
- iii. record audio and video, inspect, and/or photograph any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and

- iv. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of ensuring compliance with the Policy and General Order.

5. TECHNICAL REPORT REQUIREMENTS

The technical reports described below shall be submitted through the Water Boards Cannabis Cultivation Programs Portal by completing a *General Order Technical Reporting* survey. See Section 8 for required reporting before termination of General Order coverage.

A Site Management Plan, due by 1/3/2019, or within 90 days of notifying the North Coast Regional Cannabis Unit of planned material change in activity, character, location, or volume of discharge (i.e. change in cultivation, disturbed area, wastewater disposal method, etc.) as required by General Order Provision C.1.a, Provision C.2.i, and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

6. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted through the Water Boards Cannabis Cultivation Programs Portal by completing a *Online Cannabis Water Quality Monitoring & Reporting Program* survey by March 1 following the year being monitored. The Discharger shall comply with the MRP and any future revisions as specified by the Regional Water Board Executive Officer, the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

7. ANNUAL FEE

If applicable you will receive an invoice annually until coverage under this General Order is formally terminated. Please visit <http://www.waterboards.ca.gov/resources/fees/water_quality/> and click on the latest Water Quality Fee Schedule (for example, for fiscal year 2020-2021, the fee schedule is called 'FY 2020-2021 Water Quality Fee Schedule'). California Code of Regulation Title 23 Division 3 Chapter 9 Article 1 Section 2200.7, 'Annual Fee Schedule for Cannabis Cultivation.' Please note that the Fee Schedule is reviewed annually and future fees may be invoiced at different rates.

Annual fees are assessed on a fiscal year basis (July 1 through June 30). Invoices are sent by the State Water Board roughly midway through each fiscal year, usually in January. Please do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Water Boards Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under the General Order is formally terminated. Instructions for requesting termination of coverage appear in Section 8.

To terminate coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report, at least 90 days prior to termination of activities, and a final Annual Monitoring Report. See Termination of Coverage Under the General Order section below.

8. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER

Dischargers who wish to terminate coverage under the General Order must submit a Notice of Termination and Site Closure Report. The Notice of Termination and Site Closure Report shall be submitted through the Water Boards Cannabis Cultivation Programs Portal

<<https://public2.waterboards.ca.gov/cgo>>by completing a *Cannabis General Order Termination Request Form* survey.

Dischargers enrolled under Waste Discharge Requirements in the General Order (i.e., non-Waiver enrollees) must also submit a final Annual Monitoring Report. The final Annual Monitoring Report shall be submitted by completing an *Online Cannabis Water Quality Monitoring & Reporting Program* survey.

The Regional Water Board reserves the right to inspect the site before approving a request for termination of coverage. Attachment C of the General Order includes the *NOT* form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

9. REGION SPECIFIC REQUIREMENTS

Dischargers shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements. This includes any applicable Regional Water Board Orders or Regional Water Quality Control Plan (Basin Plan) requirements, including prohibitions and/or water quality objectives governing the discharge. In the event of duplicate or conflicting requirements, the most stringent requirement shall apply.

You can access your regions Basin Plan by visiting your local Regional Water Board's website at <<https://www.waterboards.ca.gov/northcoast/>>.

The Discharger shall also comply with the provisions of the North Coast Regional Water Board's Supplement to the General Order Annual Monitoring and Reporting Program (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. The information required by Order No. R1-2019-0023 will be submitted while completing the *Online Cannabis Water Quality Monitoring & Reporting Program* survey

Individuals Notified of Notice of Applicability Issuance

Cannabis Regulatory Unit
State Water Resources Control Board
dwq.cannabis@waterboards.ca.gov

North Coast Water Quality Control Board
Northcoast.Cannabis@Waterboards.Ca.Gov

Prairie Moore
Pmoore@Nrmcorp.Com

Cliff Johnson, Senior Planner
Humboldt County
Cjohnson@Co.Humboldt.Ca.Us

211123_2L_1_12CC403573_WhipsawasonS_Llc_NOA_BTM;APPROVAL#581

Additional Cannabis Water Quality Resources

Water Boards' Cannabis Cultivation Webpage:

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

Cannabis Policy:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

Cannabis General Order:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

Rural Roads Handbook:

http://www.pacificwatershed.com/sites/default/files/handbook_chapter_download_page.pdf

Cultivation Permitting Agency Webinar: <https://youtu.be/kVbIKnFRZy8>

Water Quality Fees Webpage: https://www.waterboards.ca.gov/resources/fees/water_quality/

Water Quality Annual Fee Invoice Lookup:

<http://infofees.waterboards.ca.gov/FeeInfo/DischargerInvoice.aspx>

Facility-At-A-Glance Report:

<https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?reportName=facilityAtAGlance&inCommand=reset>

AUG - 7 2018



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Trevor Stevens APN: 217-391-001

Planning & Building Department Case/File No.: CUP16-1076

Road Name: Susnet Ridge Rd (complete a separate form for each road)

From Road (Cross street): Alderpoint Rd.

To Road (Cross street): Sunset Ridge Rd

Length of road segment: 1.9 miles Date Inspected: 7/15/18

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

Check one of the following:

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

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

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

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

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

Trevor Stevens
Signature

7/18/18
Date

Trevor Stevens
Name Printed

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

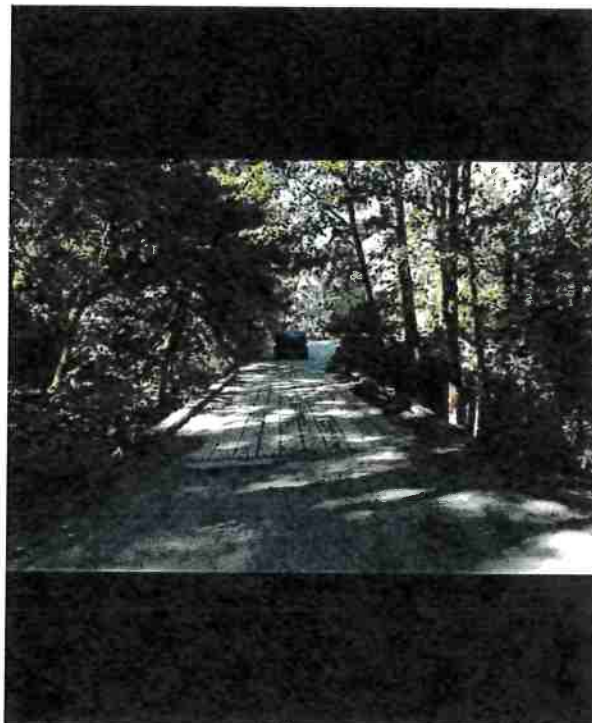
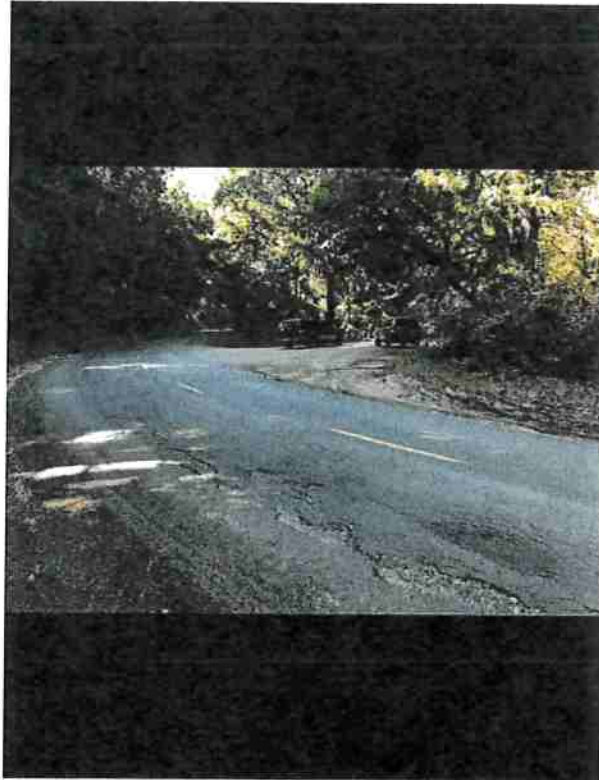
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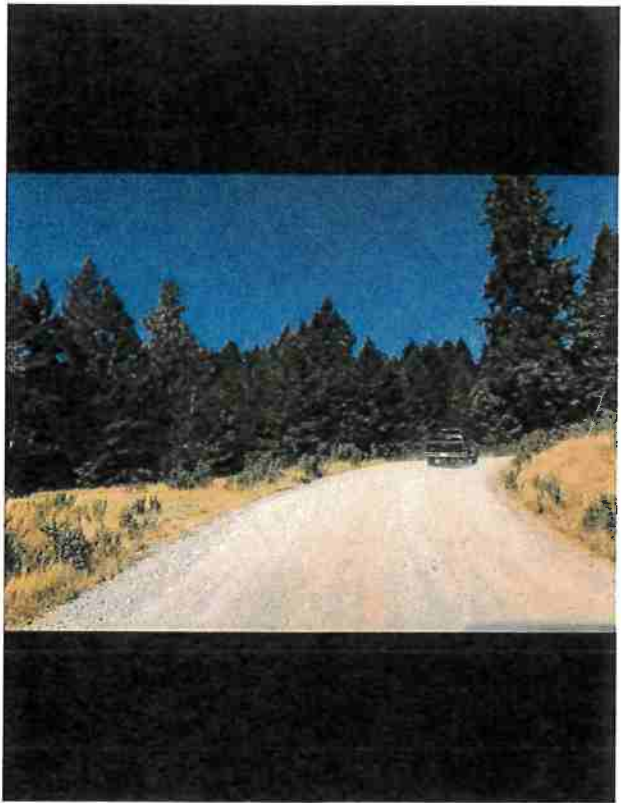
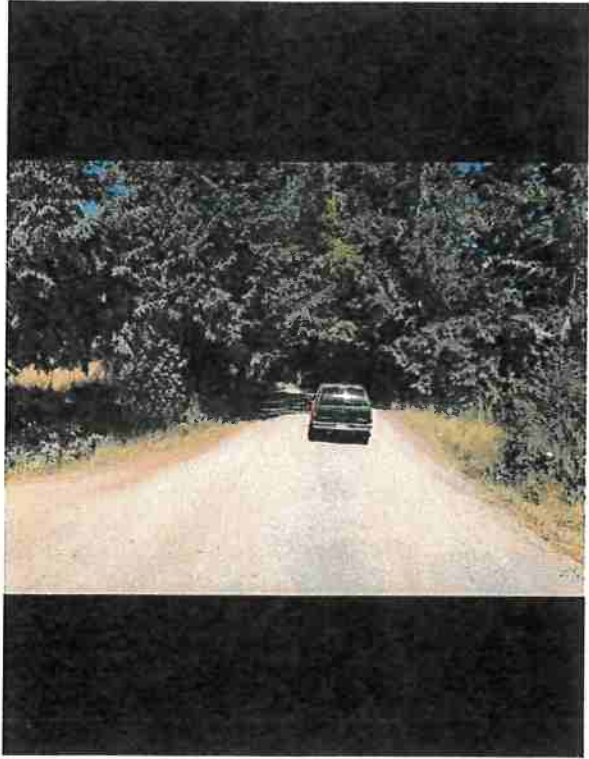


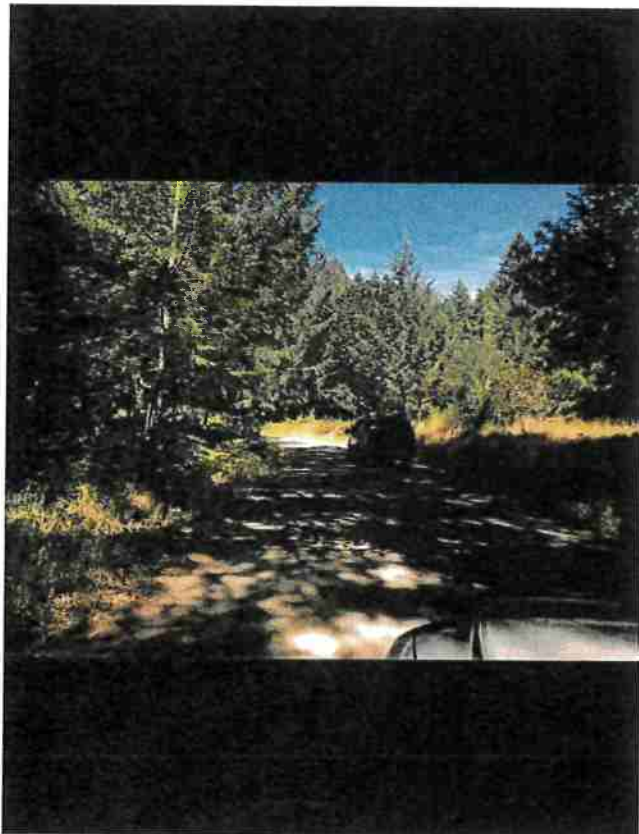
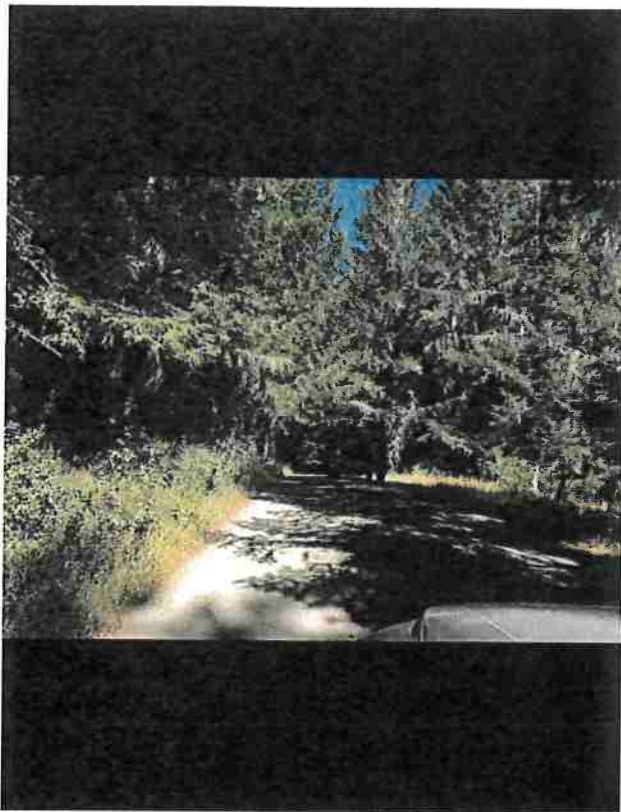
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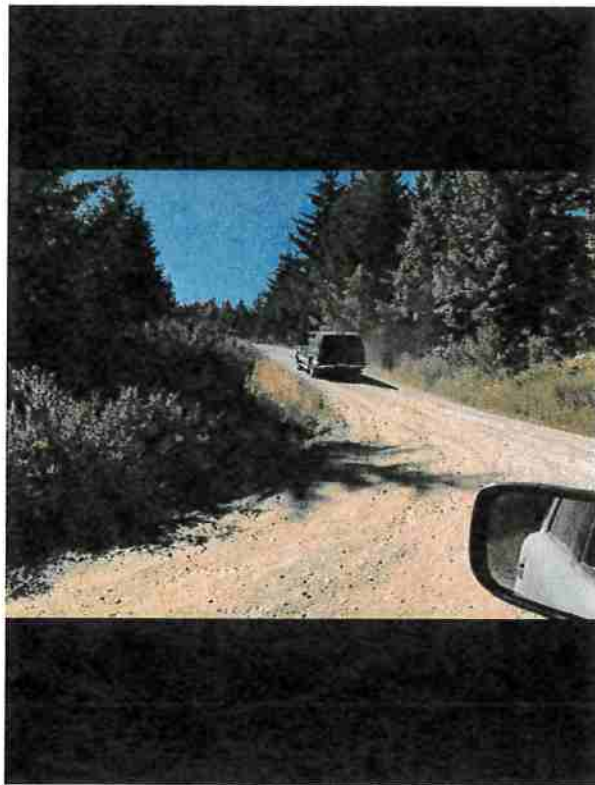
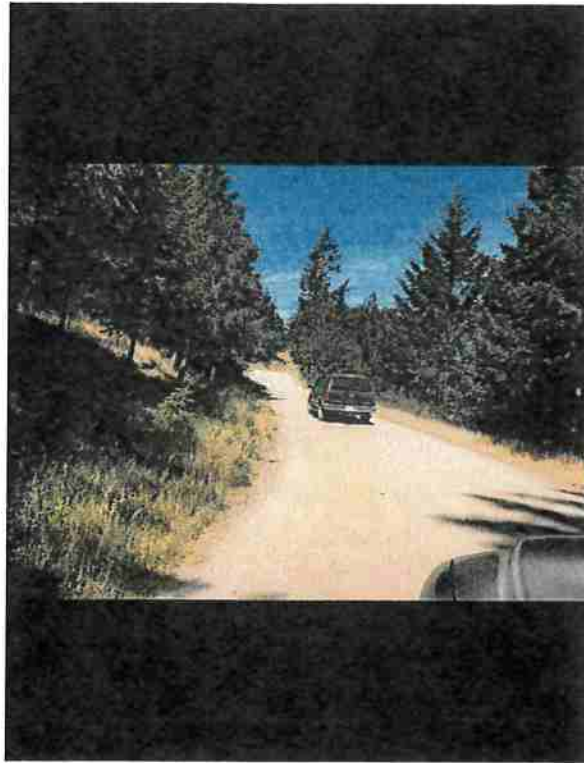
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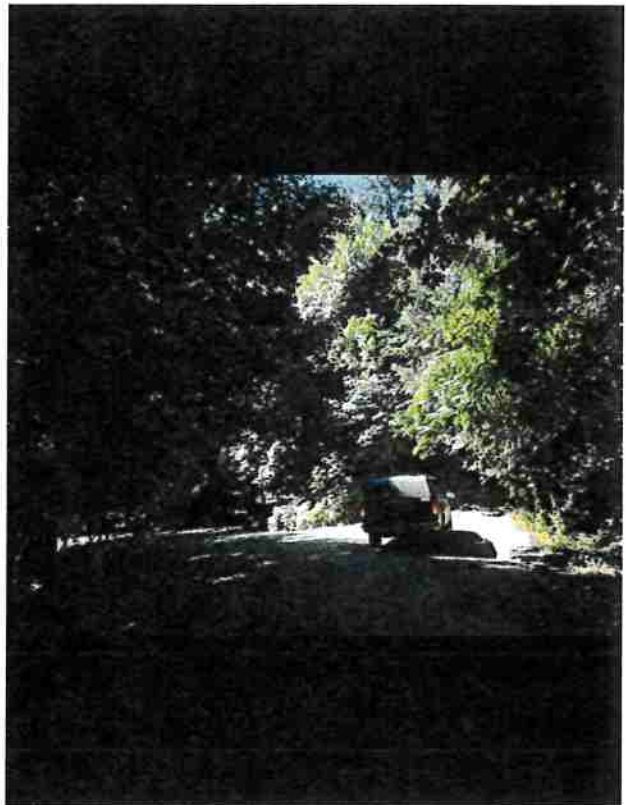












HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Element Farms APN: 217-391-011

Planning & Building Department Case/File No.: SP16-297 / APP# 11748

Road Name: Sunset Ridge Rd (complete a separate form for each road)

From Road (Cross street): Homestead Rd

To Road (Cross street): _____

Length of road segment: 3.27 miles Date Inspected: 8/19/2017

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

Check one of the following:

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

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

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

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

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


Signature

8/19/17
Date

Chad Maynard

Name Printed



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

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

Road Name: _____ Date Inspected: _____ APN: _____
 From Road: _____ (Post Mile _____) Planning & Building
 To Road: _____ (Post Mile _____) Department Case/File No.: _____

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

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

ADT: _____ Date(s) measured: _____

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

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

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

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

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

A. Pattern of curve related crashes.

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

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

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

C. Substantial edge rutting or encroachment.

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

D. History of complaints from residents or law enforcement.

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

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

Check one: No. Yes.

F. Need for turn-outs.

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

3. Conclusions/Recommendations per AASHTO. Check one:

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

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

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

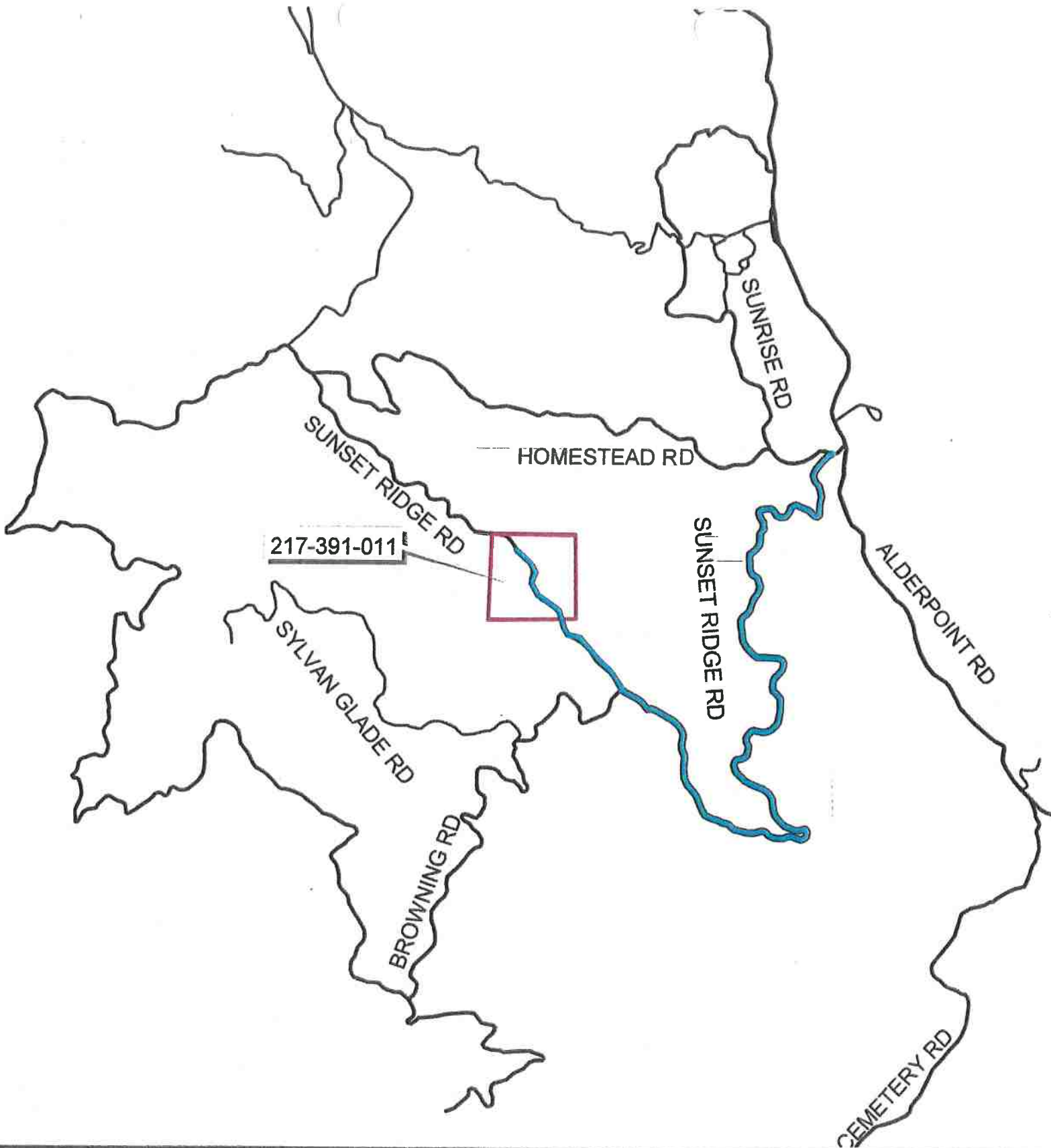
A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Signature of Civil Engineer _____

Date _____

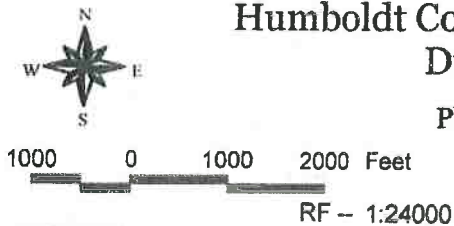
(S1 M)

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



Humboldt County Department of Public Works - Land Use Division
 Diagram of road(s) that need to be evaluated

Planning & Building Department File/Case No.: SP-297



- Indicates the project area
- Indicates the access road(s) that need to be evaluated

Map Disclaimer:
 While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference of error occur, the law will take precedence.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE		No Response	
California Department of Fish & Wildlife		No Response	Attached – Planning staff request for comments
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of Rohnerville Rancheria	✓	Comments	On file and confidential
Intertribal Sinkiyone Wilderness Council		No Response	
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff	✓	Comments	On file
U.S. Army Corps of Engineers	✓	Comments	Attached
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	
North Coast Unified Air Quality Management District		No Response	



PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 45581/12216
Parcel No.: 217-391-012
Case No.: CUP16-570

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

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

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show (2) 5000 gallon tanks near well, CA 1 soft moved to CA 2, no solid waste location, no driveway between CA 2 and CA 4, the stream that goes by GH 1,2, no CA 3, (2) 2K tanks North of CA 4 to be placed on south side of shop, and no metal shed.

Name: Rudy Mavenghi

Date: 2/28/18

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



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

RECEIVED
MAR 08 2018
Humboldt County
Planning Division

2/27

11/15/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SWRCB - Division of Water Rights, Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Sunset Ridge Road, LLC **Key Parcel Number** 217-391-012-000

Application (APPS#) 12216 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-570

217-391-012

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

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

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

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

Return Response No Later Than 11/30/2017

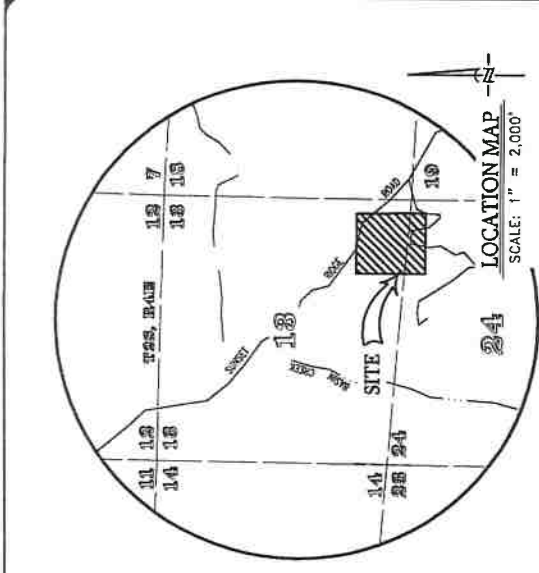
Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

DATE: 2/28/18

PRINT NAME: Rody Mavenghi



UTILITIES

WATER & SEWER
GAS
ELECTRIC

LEGEND

SYMBOL

INDICATES

PARKING SPACE
DIRECTION OF SURFACE WATER RUNOFF
PROPOSED
EXISTING
TYP. GREENHOUSE
GALLON
S.F.
SMA
EGH
(YEAR)
TBR
2200
STREAM
SEWAGE DISPOSAL TEST HOLE LOCATION
MA-2

- NOTES**
- THIS PLOT PLAN, FOR APN 217-391-012, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMLUJO) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-0023.
 - THE PARCEL CREATED AS PARCEL 39 PER BOOK 1 OF PARCEL MAPS, PAGES 95-114, IS APPROXIMATELY 40 ACRES IN SIZE. HAS A GENERAL PLAN DESIGNATION OF AGRICULTURAL LANDS (AL40) AND IS ZONED FORESTRY RECREATION, WITH A COMBINING ZONE IDENTIFYING A 40-ACRE MINIMUM PARCEL SIZE (FR-B-3(40)).
 - THIS PLOT WAS BASED ON SAID PARCEL MAP, AND SHALL NOT BE CONSIDERED A SURVEY. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
 - THE PROPERTY IS CURRENTLY DEVELOPED WITH FIVE (5) GREENHOUSES, ONE (1) RESIDENCE, ONE (1) SHOP, THREE (3) SHEDS AND SEVERAL CULTIVATION AREAS.
 - THE SITE'S EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND EASEMENTS/ENCUMBRANCES AFFECTING THE PROPERTY ARE AS SHOWN OR DENOTED HEREON.
 - CONTOURS SHOWN HEREON ARE AT 40 FOOT INTERVALS AND ARE BASED ON BLOCKSBURG 15' QUADRANGLE DATED 1977.
 - NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITH SIX HUNDRED FEET (600') OF CULTIVATION SITE.
 - THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
 - NO TREE(S) GREATER THAN 12" DBH ARE TO BE REMOVED IN CONJUNCTION WITH THIS PROJECT.
 - A GRADING PERMIT IS BEING APPLIED FOR IN CONJUNCTION WITH THIS PROJECT TO PERMIT PAST GRADING ACTIVITIES.
 - SEWAGE DISPOSAL FOR THE SITE'S AGRICULTURAL OPERATIONS SHALL BE ON-SITE, A SEPTIC TESTING, DESIGN AND REPORT HAS BEEN PREPARED BY OMSBERG & PRESTON, DATED MARCH 6, 2017, AND AN EMERGENCY SEPTIC PERMIT HAS BEEN APPLIED FOR.
 - WATER FOR THE PARCELS IS FROM AN ON-SITE WELL AND SPRING, AS SHOWN HEREON. WATER FOR THE POND IS RAINWATER. ALL WATER SOURCES ARE/WILL BE PROPERLY PERMITTED. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FORBEARANCE PERIOD. ALL EXISTING/PLANNED STORAGE WILL BE IN HARD TANKS, AND EXISTING POND.
 - A SOILS REPORT HAS BEEN PREPARED BY WHITCHURCH ENGINEERING INC., DATED SEPTEMBER 25, 2017, WHICH DETAILS THE SITE'S SPECIFIC GEOTECHNICAL RECOMMENDATIONS.
 - ACCESS TO THE SITE IS VIA STATE HIGHWAY 36 FROM HOMESTEAD ROAD TO SUNSET RIDGE ROAD.
 - THIS PROJECT IS IN THE STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADS, DRIVEWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
 - THERE WILL BE TWO (2) EMPLOYEES, BUT NO PROCESSING WILL OCCUR ON-SITE.
 - THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.

APURTENANT EASEMENTS (NOT SHOWN HEREON)
(PER PRELIMINARY REPORT BY FIDELITY NATIONAL TITLE COMPANY, DATED APRIL 19, 2016)

- #3 AN EASEMENT FOR THE PURPOSE OF A RIGHT-OF-WAY PER BOOK 259 OF DEEDS, PAGE 339.
- #4 AN EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS PER BOOK 714 OF OFFICIAL RECORDS, PAGE 375.
- #5 AN EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER BOOK 1 OF PARCEL MAPS, PAGES 95 THROUGH 114, INCLUSIVE.
- #7 AN EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER BOOK 1602 OF OFFICIAL RECORDS, PAGE 1324.
- #10 AN EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC UTILITIES PER BOOK 1608 OF OFFICIAL RECORDS, PAGE 779.

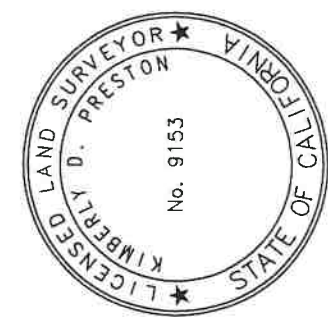
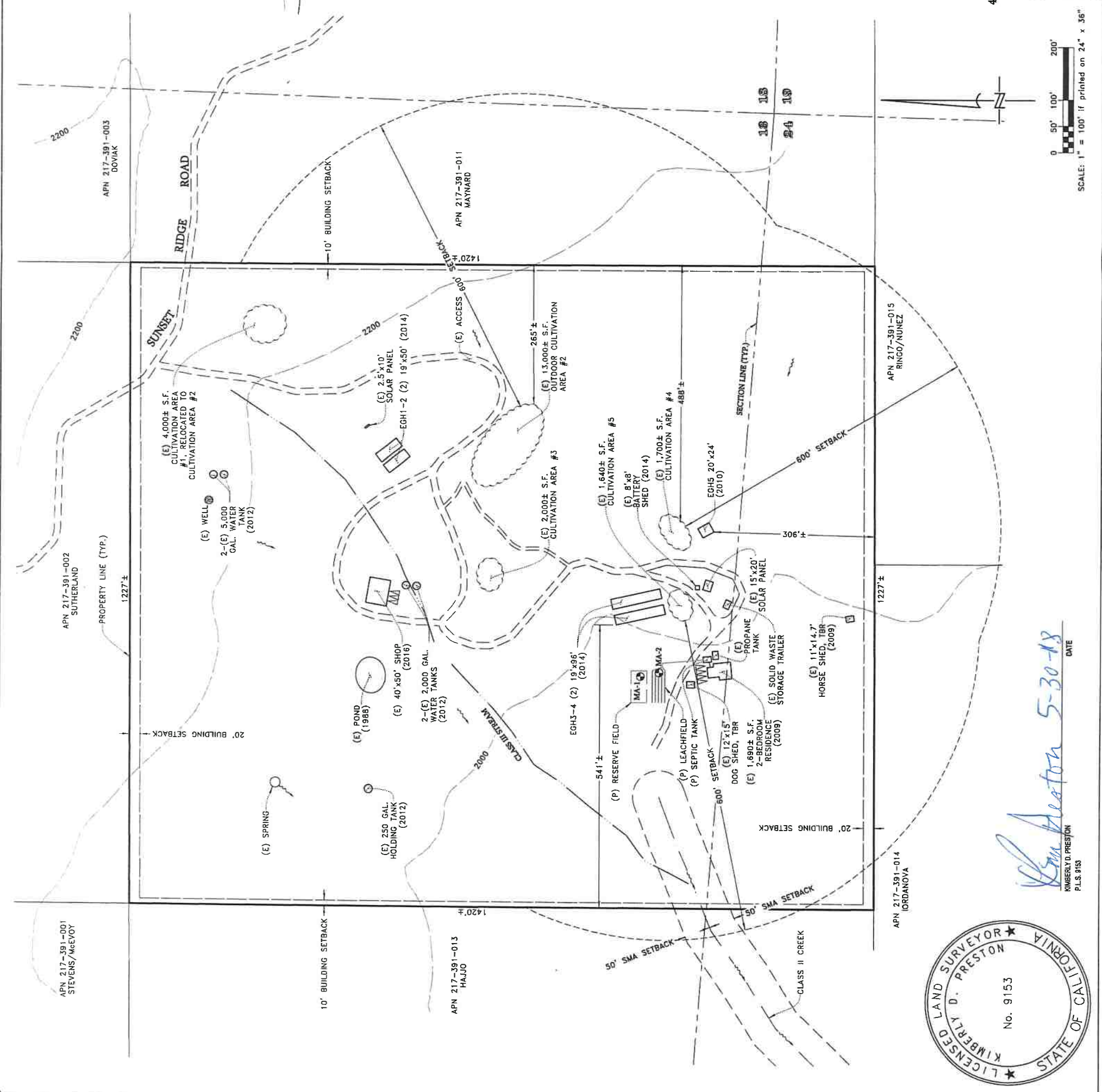
OWNER
LTR REALTY, LLC
4350 EXECUTIVE DRIVE, SUITE 320
SAN DIEGO, CA 92121

APPLICANT
MICAH ANDERSON
2534 LORING STREET
SAN DIEGO, CA 92109
(619) 241-5933

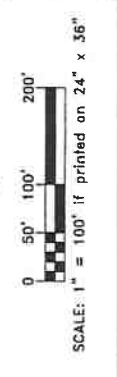
DESIGNED BY: OMSBERG & PRESTON
S.D.N.
DRAWN BY: T. AUSTON
C.M.B.
CHECKED BY: K. PRESTON
DATE: 05/30/18

SCALE: AS SHOWN
SHEET NO. 16-1900
SHEET OF 1

PLOT PLAN
707
MICAH ANDERSON
In the unincorporated area of Humboldt County
Portion of SE/4 Section 13 & NE/4 Section 24, T.2S., R.4E., H.2B.M.



DATE: 5-30-18
KIMBERLY D. PRESTON
P.L.S. #153





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

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SWRCB - Division of Water Rights, Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Sunset Ridge Road, LLC Key Parcel Number 217-391-012-000

Application (APPS#) 12216 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-570

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends conditional approval pending the following:

- (1) Operator shall apply to install a permitted Onsite Waste Treatment System (OWTS) within 12 months and obtain final approval of the installation within 24 months of receiving Planning approval. The use of portable toilets in the interim is approved in accordance with the following condition.
- (2) Prior to renewal of permit the operator is required to submit receipts, or copy of contract confirming sufficient use of portable toilets to serve cultivation staff for duration of first year.
- (3) One well is shown on the provided site plan. **Legalize or destroy the well:** Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.

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

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



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

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 7-13-2018

RE:

Applicant Name	Sunset Ridge Road, LLC
APN	217-391-012
APPS#	12216

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:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12216

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 //

Exhibit "D"

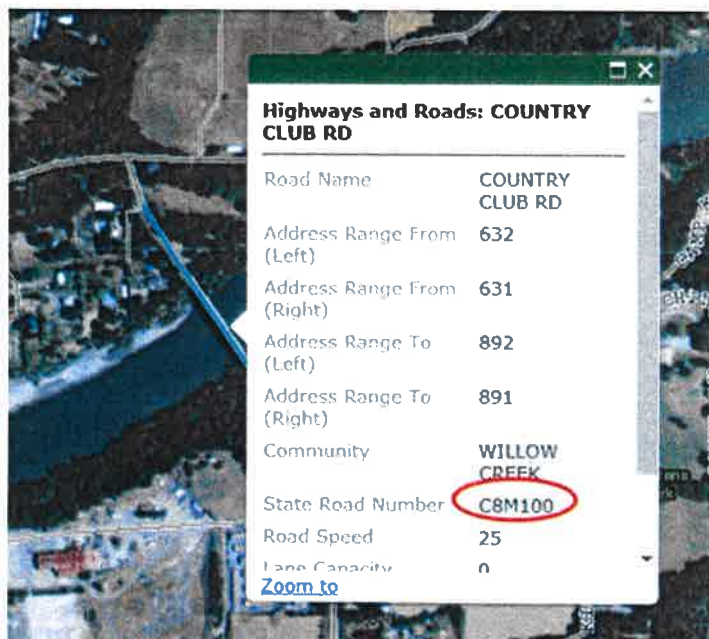
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports. Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD

A 3 M 0 2 0 Murray Road

F 6 B 1 6 5 Alderpoint Road

6 C 0 4 0 Thomas Road

Exhibit "D"

Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All

Exhibit "D"

Road Evaluation Reports

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
 Date: November 20, 2017

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

Attention: Cannabis Planner
Applicant: Sunset Ridge Road, LLC
APN: 217-391-012-000
Area: Blocksburg
Case Numbers: CUP16-570

Humboldt County Application #: 12216
Type of Application: Conditional Use Permit
Date Received: 11/16/2017
Due Date: 11/30/2017

Project Description: An application for a Conditional Use Permit for 32,188 square feet (SF) of existing, outdoor, medical cannabis cultivation. Water for irrigation is sourced from an existing on-site drying shed, with all other processing activities occurring off-site. The applicant states that two employees are needed for operations. Electricity is sourced from solar power.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
 CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

General Recommendations:

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

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

From: [Meyers, Tim@CALFIRE](mailto:Meyers_Tim@CALFIRE)
To: HUU_CEOA@CALFIRE; [Planning Clerk](#)
Subject: APN 217-391-012 Application number 12216
Date: Friday, November 17, 2017 2:16:27 PM

Good Afternoon,

It may be necessary for a CALFIRE harvest permit to be obtained prior to expanding this cultivation and new development sites. A Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE. Previous land use activities may have resulted in harvest without a permit and harvesting without a plan or a license. More information is required for a proper evaluation.

[Tim Meyers](#)
[Forester I, RPF #2813](#)
Department of Forestry and Fire Protection
CAL FIRE
Weott Resource Management
Humboldt-Del Norte Unit
Office (707) 946-2204
Cellular (707) 599-6433
tim.meyers@fire.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com - Drought.CA.gov



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

11/15/2017

PROJECT REFERRAL TO: United States Army Corps of Engineers

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SWRCB - Division of Water Rights, Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Sunset Ridge Road, LLC **Key Parcel Number** 217-391-012-000

Application (APPS#) 12216 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-570

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

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

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

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

Return Response No Later Than 11/30/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: _____

PRINT NAME: _____



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

January 4, 2018

Regulatory Division

SUBJECT: File Number 2017-560N

Sunset Ridge Road, LLC
Attn: Michah Anderson
PO Box 271
Miranda, California 95553

Dear Mr. Anderson:

This letter is written in response to a request for comments by the Planning Commission Clerk, County of Humboldt Planning and Building Department, dated November 15, 2017 concerning a proposal by Sunset Ridge Road, LLC to seek out a conditional use permit for an existing 32,188 square feet of existing outdoor medical cannabis cultivation. The project is located in the Blocksburg area, on the west side of Sunset Ridge Road, approximately .5 miles north from the intersection of Browning Road and Sunset Ridge Road (APN: 217-391-012), in Humboldt County, California. The applicant proposed activity includes drying of product that will occur in an existing on-site drying shed. All other processing activities occurring off-site. Water used for irrigation is sourced from an existing on-site well. Water is stored in four (4) tanks and an existing pond, for a total of 380,000 gallons of available storage. Since this activity may involve impacts to wetlands adjacent to other waters of the United States and, therefore, may impact a water of the U.S.; the United States Army Corps of Engineers (Corps) will need to review those portions of your project.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work may be within our jurisdiction. **Please note:** Cultivation of marijuana is considered a crime under Federal law and, therefore, the Corps is unable to issue a 404 CWA permit for any discharge of fill into waters of the United States associated with this project. We recommend that the project be designed to avoid all impacts to jurisdictional waters of the United States, including the Basin Creek and its tributary and any adjacent wetlands that may be present.

We further recommend that a jurisdictional survey (delineation) be conducted for your property and an illustrated and scaled topographic map, or site plan provided to this office for verification. When this document is forwarded, the Corps staff will validate and authenticate the limits of Corps jurisdiction. While it is not necessary to confirm all boundary points, the Corps will verify the jurisdictional boundary along one or more transects and may visit random intermediate points. All delineations of wetlands must be conducted in accordance with the 1987

Corps of Engineers Wetlands Delineation Manual, or appropriate Regional Supplement, and submitted to the District for review and verification. Two Regional Supplements have been approved for use within the boundaries of the San Francisco District: the Arid West Supplement, and the Western Mountains, Valleys and Coast Supplement. Copies of these documents are available to download on our website: <http://www.spn.usace.army.mil/Missions/Regulatory/JurisdictionDeterminations.aspx>.

Corps staff will do the jurisdictional mapping, if you so choose. However, due to limited staff and resources, response time can be several months or longer. To expedite this process, the San Francisco District encourages applicants to use consultants to conduct wetland delineations, especially for large and/or complex areas. The San Francisco District is not authorized to recommend any private consulting services and advises applicants to check references and referrals of prospective consultants before contracting services.

The Corps also suggests that you contact the appropriate Regional Water Quality Control Board and California Department of Fish and Wildlife offices to ensure they review your project relative to their permitting requirements for activities that may impact aquatic resources.

You may refer any questions on this matter to the Eureka Field Office Regulatory staff by telephone at 707-443-0855 or by e-mail at Cameron.R.Purchio@usace.army.mil or L.K.Sirkin@usace.army.mil. All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

Sincerely,

PURCHIO.CAMERON
.ROSE.1383945565

Digitally signed by
PURCHIO.CAMERON.ROSE.1383945565
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=PURCHIO.CAMERON.ROSE.1383945565
Date: 2018.01.04 13:47:19 -08'00'

Holly Costa
Regulatory North Branch Chief