



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

---

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

Hearing Date: December 3, 2020  
To: Humboldt County Zoning Administrator  
From: Cliff Johnson, Supervising Planner  
Subject: **Eubanks Farm, LLC, Special Permits**  
Record Number: PLN-12444-SP  
Assessor's Parcel Number: 220-171-002

| <b>Table of Contents</b>   | <b>Page</b> |
|--|-------------|
| Agenda Item Transmittal  | 2           |
| Recommended Action and Executive Summary                               | 3           |
| Draft Resolution   | 7           |
| Maps   |             |
| Topo Map   | 8           |
| Zoning Map   | 9           |
| Aerial Map   | 10          |
| Site Plan  | 11          |
| Attachments  |             |
| Attachment 1: Recommended Conditions of Approval                       | 12          |
| Attachment 2: Required Findings for Approval                           | 19          |
| Attachment 3: CEQA Addendum  | 38          |
| Attachment 4: Applicant's Evidence in Support of the Required Findings | 42          |
| A. Site Management Plan  | Separate    |
| B. Lake and Streambed Alteration Agreement                             | Separate    |
| C. Timber Conversion Evaluation Report                                 | Separate    |
| Attachment 5: Referral Agency Comments and Recommendations             | 83          |

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

## AGENDA ITEM TRANSMITTAL

|   |                                   |                              |
|---|-----------------------------------|------------------------------|
| <b>Hearing Date</b><br>December 3, 2020 | <b>Subject</b><br>Special Permits | <b>Contact</b><br>Liza Welsh |
|---|-----------------------------------|------------------------------|

**Project Description:** A Special Permit for 8,612 square feet of existing outdoor cannabis cultivation and a Special Permit for ongoing use and maintenance of a point-of-diversion for cannabis irrigation. Cultivation occurs in five greenhouses using light deprivation. Water is sourced from two existing groundwater wells and is supplemented by rain catchment and by a surface diversion from a spring that flows to an unnamed tributary to Eubank Creek. Water is delivered to the cannabis plants via a drip irrigation system. The current total storage capacity for cultivation is 66,000 gallons, contained in twelve (12) 5,000-gallon plastic tanks and two (2) 3,000-gallon water storage tanks. The applicant's estimated annual water use is 129,180 gallons. Drying will occur in an existing structure onsite and processing will occur offsite at a licensed third-party processing facility. A maximum of one full-time employee and up to three full-time seasonal employees will work on the site. Power is provided by an existing 4,500-watt solar array and supplemented by a 12KW propane generator.

**Project Location:** The project is located in Humboldt County, in the Briceland area, on the south and west side of Eubanks Road, approximately 1.4 miles from the intersection of Etersburg-Honeydew Road and Eubanks Road, on the property known to be in Section 29 of Township 04 S, Range 02 E, Humboldt Base & Meridian.

**Present General Plan Land Use Designation:** Residential Agriculture (RA), Humboldt County General Plan (GP), Density: 40 acres per dwelling unit, Slope Stability: Moderate Instability (2).

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-12444-SP

**Assessor Parcel Number:** 220-171-002

**Applicant**

Eubanks Farm, LLC,  
Joseph Stafslie  
PO Box 167  
Whitethorn, CA 95589

**Owner**

Joseph E Stafslie & Julian N Stafslie  
PO Box 167  
Redway, CA 95560  
Whitethorn, CA 95589

**Agent**

North Point Consulting Group  
PO Box 44  
Eureka, CA 95502

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

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

**Major Issues:** None.

**EUBANKS FARM, LLC**  
Record Number: PLN-12444-SP  
Assessor's Parcel Number: 220-171-002

**Recommended Zoning Administrator Action:**

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

*Move to accept staff's recommendation allowing for continued cultivation of 8,612 square feet of existing outdoor commercial cannabis cultivation and the ongoing use and maintenance of a point-of-diversion for cannabis irrigation, find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on evidence in the staff report and any public testimony, and adopt the Resolution approving the Eubanks Farm, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** The proposed Special Permit would allow the continued cultivation of 8,612 square feet of existing outdoor cultivation and ancillary structures on a 41 acre (assessed lot size) legal parcel in the Briceland area. This commercial cannabis activity is authorized by Section 314-55.4.8.2.2 of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The application meets the requirements of zoning, siting criteria (55.4.8.2, 55.4.6.4.2, 55.4.11(d)), setbacks from property lines, public lands, and listed incompatible uses (e.g., schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CMMLUO (55.4.10). All cannabis cultivation and ancillary activities occur outside of Streamside and Wetland Management Areas.

A review of historic imagery using TerraServer indicates that in 2015 there was 8,612 square feet of outdoor cannabis cultivation on the property occurring on a natural flat ridgetop at the north west corner of the property. In 2016 and 2017 some grading and relocation occurred. Conditions of approval require the applicant to obtain Building Permits for all graded flats. This is a request for a Special Permit for 8,612 square feet of outdoor cannabis cultivation, to be grown in greenhouses using light deprivation. Cultivation will occur at two distinct sites. At the east cultivation site, 4,000 square feet of cultivation occurs in two 100' X 20' (2,000-square-foot) greenhouses. At the West site, 4,612 square feet of cultivation occurs in two 100' X 20' (2,000-square-foot) greenhouses and in a 612-square-foot section of one 100' X 20' (2,000-square-foot) greenhouses. The remaining 1,388 square feet is used as a propagation area. Juvenile plants are propagated from onsite mother plants. The clones are raised in the propagation space and transplanted into the cultivation areas after 2-3 weeks. When supplemental lighting is used in the propagation area, it will be shielded in accordance with International Dark Sky Standards such that no light escapes between 30 minutes prior to sundown and 30 minutes after sunrise at a level visible from neighboring properties.

Development on the site is limited to the cannabis cultivation and ancillary structures, including water storage and conveyance, a 2,100-square-foot support facility with a septic leach field, and a composting area. Conditions of approval for the project require the applicant to obtain permits from the Building Division for all greenhouses, all structures with a nexus to cannabis cultivation, all graded flats, and any other features with a nexus to cannabis over which the Building Division has regulatory authority. If areas cannot be permitted, the applicant will be required to modify the permit with an alternate proposal.

The applicant anticipates two light deprivation cycles per year. Water for cannabis irrigation is sourced from two existing groundwater wells, rainwater catchment, and a point of diversion on an unnamed tributary to Eubank Creek. The project record includes Well Completion Reports for each well. The well near the Southeastern cultivation site (Well Completion Report No. 1087874) is 140 feet deep with first water encountered at 120 feet deep beneath several layers of Blue Shale and Hard Shale, and an aquitard. This well is located at 1,280 feet above mean sea level. The well in the Northwestern portion is 220 feet deep, with first water encountered at 120 feet deep beneath several layers of clay and sandstone. Further, the

well is located at approximately 1,160 feet above sea level. Given the depth of the wells, the elevation at which they are located, and the descriptions of the strata involved, it is unlikely that either well is hydrologically connected.

Water from the applicant's wells is supplemented by rainwater catchment in hard tanks and by a point of diversion, which is used only outside of the forbearance period. The applicant holds a Right to Divert and Use Water issued by the State Water Resources Control Board (H100397). Additionally, a Streambed Alteration Agreement (SAA) has been issued by the California Department of Fish & Wildlife (CDFW). The SAA (Notification No. 1600-2018-0515-R1) covers eight encroachments on three adjacent parcels: three points of diversion, replacement of three failing culverts, and decommissioning of two stream crossings. The points of diversion are subject to forbearance as follows: The maximum instantaneous diversion rate shall not exceed three (3) gallons per minute (gpm) at any time, the permittee shall pass 90% of the flow at all times, no more than 300 gallons in any one day from all PODs combined shall be diverted cumulatively during the low flow season from April 1 to July 15 of each year, and no more than 200 gallons in any one day shall be diverted from POD 1 during the low flow season from July 16 to October 31 of each year. No water shall be diverted during the low flow season from POD 2 or POD 3 from July 16 to October 31 of each year. Conditions of approval require the applicant to meter their water usage and to adhere to the terms and reporting requirements of their Streambed Alteration Agreement or any future agreement issued by CDFW. A Notice of Applicability has also been issued for waste discharge subject to enrollment under the General Order (WDID:1\_12CC418273).

The applicant has enrolled in the State Water Board 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), and a Notice of Applicability was issued for the project (WDID 1\_12CC418273). A Site Management Plan was prepared for the project by North Point Consulting Group pursuant to enrollment in the General Order and pursuant to previous registration in the Regional Order (WDID 1B171363CHUM). The Site Management Plan discusses findings from a site visit that occurred in July 2018. The Site Management Plan states that, at the time of the site visit, the applicant's private driveway off of Eubanks Road was observed to be in good condition without any signs of erosion. It was also observed to be of a mild gradient, appropriable out-sloped in most section and in-sloped with in-board ditches in other sections, and much of the road surface consisted of angular gravel. The report further states that there are no water bodies or stream crossings within the project, that there were no areas of active soil disturbance or active slides or earth movement, and that all disturbed areas comply with riparian setback requirements. The Site Management Plan recommends that any sections of bare road surface be rocked to control erosion and that the applicant implement appropriate winterization and monitoring procedures. Conditions of approval require the applicant to implement all corrective actions detailed within the Site Management Plan, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.

Water from the wells and the point of diversion shall be separately metered before it enters water storage. There is 66,000 gallons of water storage capacity on the site in twelve (12) 5,000-gallon hard tanks, of which eight have rainwater catchment capacity, and in two (2) 3,000-gallon tanks. Water is delivered to the cannabis plants via drip irrigation system or via hand watering. The applicant's estimated annual water use is approximately 129,180 gallons. Should the applicant's water storage capacity prove insufficient to meet the demands of the project during the forbearance period, the permit shall be modified to propose additional (non-diversionary) water storage.

Additionally, six of the applicant's water tanks are within 30 feet of the Southern property line, within the 30-foot State Responsibility Area setback. The current Site Maps shows them off of the subject parcel, but this is due to inaccuracies in the property lines shown on the County's GIS system. Per the applicant and their Agent, the tanks are located on the subject parcel. Within two years of project approval, the applicant shall submit a revised Site Map that either proposes a new location for the tanks that complies with all applicable setbacks or that proposes an alternative source of water storage, or the applicant shall work with the owner of the adjacent property to the South to have recorded an easement that makes up the difference needed for the setback (30 feet on each side of property line). After the proposal is approved by the Planning and

Building Department, the relocation, replacement, or easement shall occur.

The power source for the project is a 4,500-watt solar array and a backup 12kW propane generator. The generator has a secondary containment apparatus built-in to contain any spills. The solar array and the generator power the drying facility for approximately 4 hours a day during the drying process during the months of July and October. Conditions of approval require the generator to be enclosed and noise to be attenuated to below 50 decibels at 100 feet from the generator, property lines, or the edge of forest habitat. Harvested cannabis plants are dried in the 2,100-square-foot support facility on the site and are processed offsite at a licensed processing facility. The support facility has an unpermitted Onsite Wastewater Treatment System (OWTS). Should the applicant choose to process onsite, the support facility will require a commercial building permit and the OWTS will need to be approved by the Department of Environmental Health (DEH). One full time employee and a maximum of three part time employees will work on the site. The project was reviewed by the DEH, which recommended approval with the condition that prior to renewal of permit, the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for the duration of the year or to provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing Onsite Waste Treatment System (OWTS) serving the support facility.

The subject parcel is accessed via a private driveway from Eubanks Road, which is accessed via Ettersburg Honeydew Road from Briceland Thorne Road. Eubanks Road is privately-maintained while Ettersburg-Honeydew Road and Briceland Thorne Road are maintained by the County. The applicant has provided a Road Evaluation stating that Eubanks Road and Ettersburg-Honeydew Road both have the functional capacity of a Category 4 Road capable of accommodating commercial traffic. The project was reviewed by the Public Works Department which recommended approval with the condition that Eubanks Road be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County-maintained section of Ettersburg-Honeydew Road. This is included as a condition of project approval. Public Works also requested that the intersection between Eubanks Road and Ettersburg Honeydew Road be maintained in accordance with County Code Section 351-1 (Sight Visibility Ordinance). This is included as an ongoing condition of project approval.

The project is located 1.8 miles up Eubank Creek at approximately 1200 feet above mean sea level. The surrounding landscape consists of open prairie and mixed Douglas Fir/ hardwoods, with slopes ranging from stable ridge tops to 17-25% hillslopes. The subject parcel is mostly forested, with a tributary to Eubank Creek flowing north across the southwest corner. A review of aerial imagery indicated that tree removal occurred on site, and so a Timber Conversion Evaluation Report was prepared for the site by Timberland Resource Consultants. The report, which was prepared subsequent to a field visit by a Registered Professional Forester, details timber conversion at three locations on the subject parcel prior to 2016, for a total converted acreage of 1.05 acres. No sensitive, rare, threatened, or endangered species were observed during the TRC field assessment of the project area, and the RPF had no recommendations for needed treatment measures. Ongoing conditions of approval read that no further timber conversion will be allowed on the site to support cannabis cultivation or ancillary activities.

A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting occurred approximately .45 miles from the cultivation areas on the subject parcel, and the nearest mapped Northern Spotted Owl activity center is approximately 1.05 miles away from the cultivation areas on the subject parcel. Conditions of approval require that noise levels produced by the applicant's backup generator and all other cultivation-related noise sources, including greenhouse fans, shall never exceed 50db at 100 feet from the source, the edge of forest habitat, or property lines, whichever is closer.

The project was referred to the California Department of Fish & Wildlife (CDFW), and the following comments were received: the groundwater wells that provides water for the project shall be evaluated annually for potential of drawdown. The evaluation shall include a standard pump test or similar procedure to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. The Planning Department believes that this condition is not necessary as the well is required to be metered and to make records of the meter available at the annual inspection.

If the well is not producing the amount necessary, the county may reduce the allowable cultivation area or require installation of an alternative water source. Further, the following conditions have been added to the project to protect local wildlife: The applicant will adhere to the terms and reporting requirements established through any future Streambed Alteration Agreements established for the parcel. The applicant will ensure that all cultivation-related noise sources are shielded and that decibel levels remain below 50 decibels at 100 feet from the noise source or at tree lines. The applicant will leave wildlife on the subject parcel undisturbed and will allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant will not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. All refuse will be contained in wildlife proof storage containers and will be disposed of at an authorized waste management facility. Finally, all security lighting will be motion activated and comply with International Dark sky Association Standards.

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

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

The Zoning Administrator could also decide that the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use ordinance (CMMLUO). However, the Zoning Administrator may reach a different conclusion. In that case, the Zoning Administrator 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 ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-**

**Record Number: PLN-12444-SP  
Assessor Parcel Numbers: 220-171-002**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Eubanks Farm, LLC, Special Permits request.**

**WHEREAS**, Eubanks Farm, LLC, submitted an application and evidence in support of approving a Special Permit for 8,612 square feet of existing outdoor cannabis cultivation using light deprivation with water supplied by two groundwater wells and a point of diversion, power provided by a solar array and a backup generator, off-site processing, and a maximum of four employees; and

**WHEREAS**, Eubanks Farm, LLC, submitted an application and evidence in support of approving a Special Permit for use of a point of diversion for cannabis irrigation, subject to seasonal forbearance; and

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

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

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permits (Record Number PLN-12444-SP; and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on December 3, 2020.

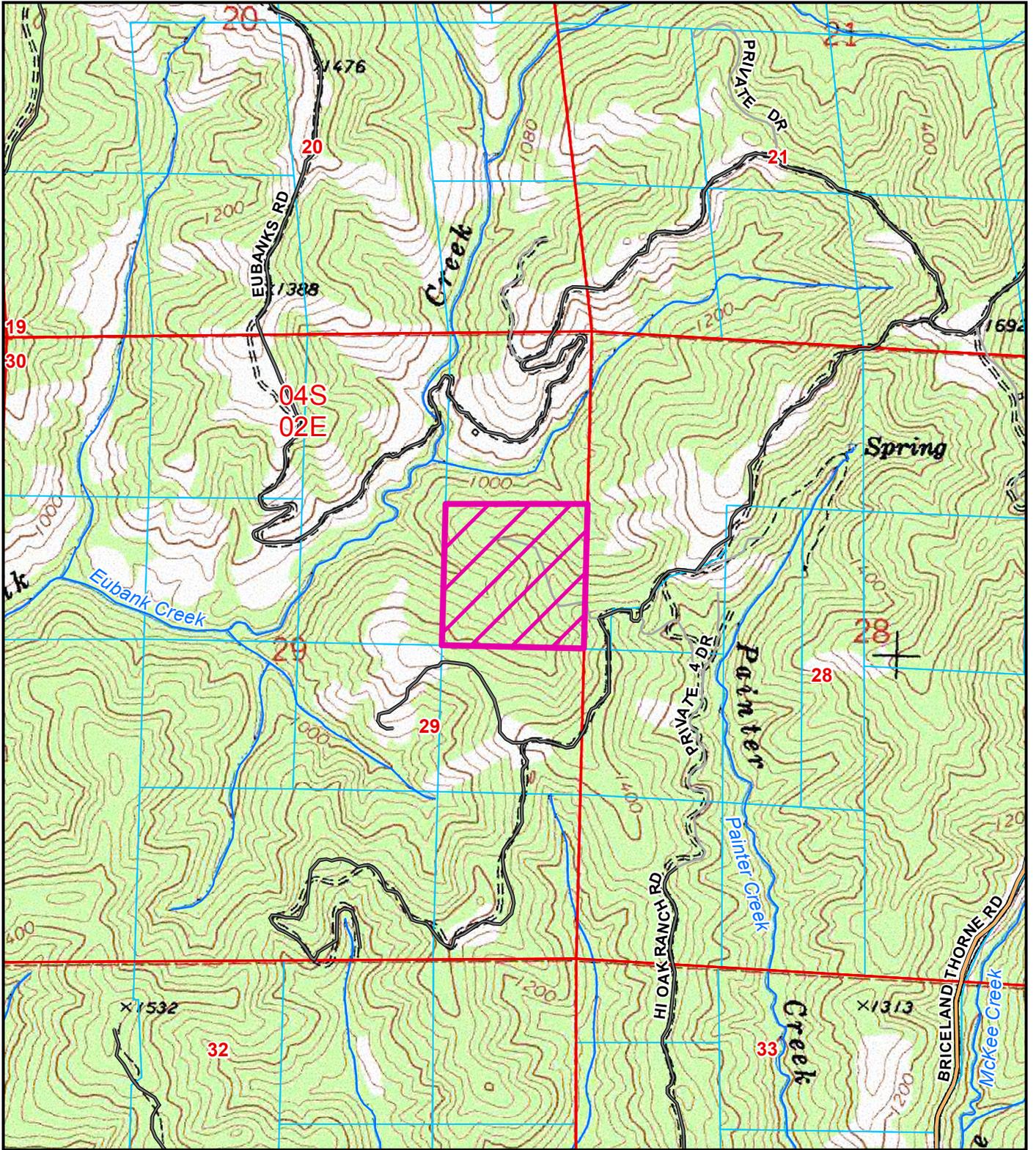
**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes the required findings in Attachment 2 of the Zoning Administrator staff report for Record Number PLN-12444-SP based on the submitted substantial evidence; and
3. Record Number PLN-12444-SP is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on December 3, 2020.

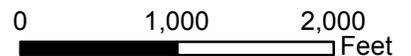
I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

\_\_\_\_\_  
John Ford, Director  
Planning and Building Department

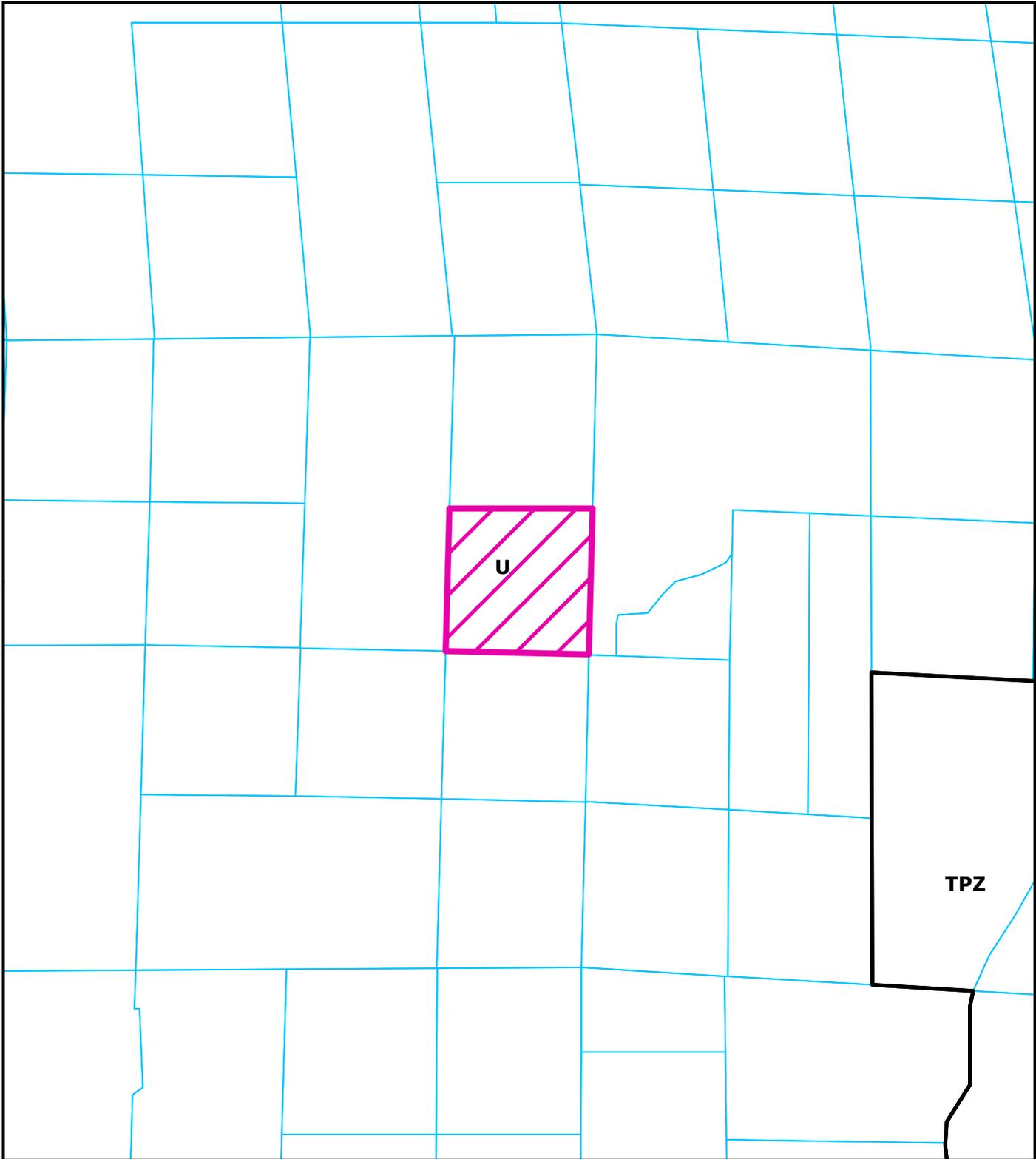


Project Area = 

**TOPO MAP**  
**PROPOSED EUBANKS LLC**  
**BRICELAND AREA**  
**SP-16-523**  
**APN: 220-171-002**  
**T04S R02E S29 HB&M (BRICELAND)**

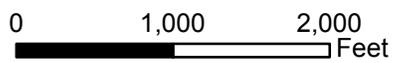


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

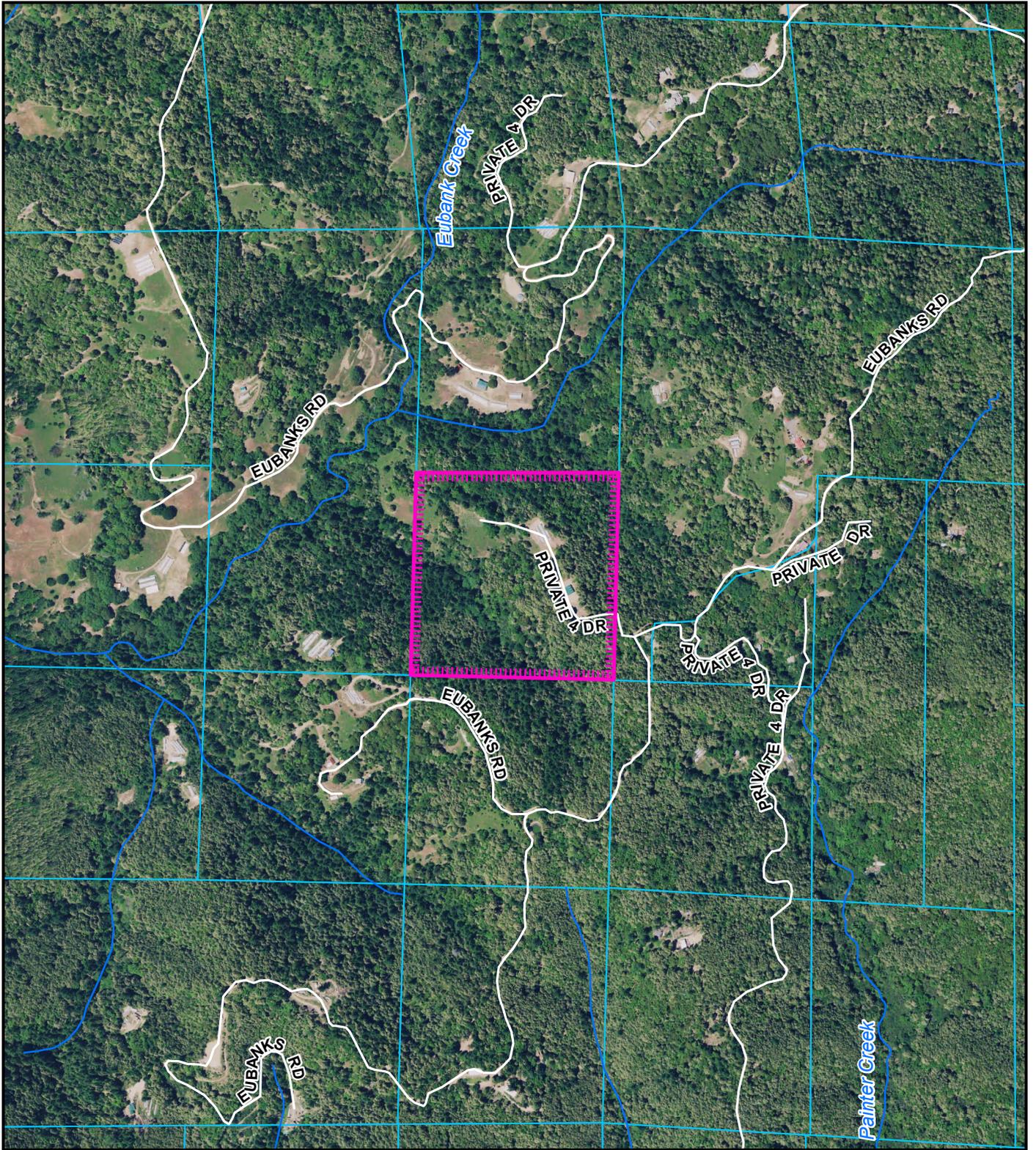


Project Area = 

**ZONING MAP**  
**PROPOSED EUBANKS LLC**  
**BRICELAND AREA**  
**SP-16-523**  
**APN: 220-171-002**  
**T04S R02E S29 HB&M (BRICELAND)**



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.

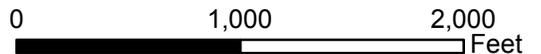


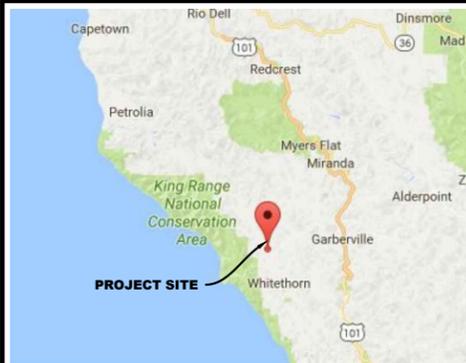
Project Area = 

**AERIAL MAP  
 PROPOSED EUBANKS LLC  
 BRICELAND AREA  
 SP-16-523  
 APN: 220-171-002  
 T04S R02E S29 HB&M (BRICELAND)**



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.





**VICINITY MAP**  
NOT TO SCALE

**DIRECTIONS TO SITE:**  
**FROM EUREKA, CA**  
**-TAKE US-101S (~ 60 MI)**  
**-TAKE EXIT 642 FOR REDWOOD DR. (1.8 MI)**  
**-CONTINUE ON REDWOOD DR. FOR ~ 1.8 MI**  
**-TURN RIGHT ONTO BRICELAND THORN RD (~ 10 MI)**  
**-CONTINUE STRAIGHT ON ETTERSBURG RD (~0.7 MI)**  
**-TURN LEFT ONTO EUBANKS RD (~1.3 MI)**

# EUBANKS FARMS, LLC

## SPECIAL PERMIT

APN: 220-171-002

**PROJECT DESCRIPTION:**

EUBANKS FARMS, LLC IS PROPOSING TO PERMIT EXISTING COMMERCIAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE PROPOSED OPERATION INCLUDES APPROXIMATELY 8,612 SQUARE FEET (SF) OF COMMERCIAL CANNABIS CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, FACILITIES FOR DRYING & CURING OF COMMERCIAL CANNABIS, AND APPROPRIATE WATER STORAGE.

**GENERAL NOTES:**

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. MANHARD CONSULTING LTD. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.

**DEPARTMENT OF FISH AND WILDLIFE**

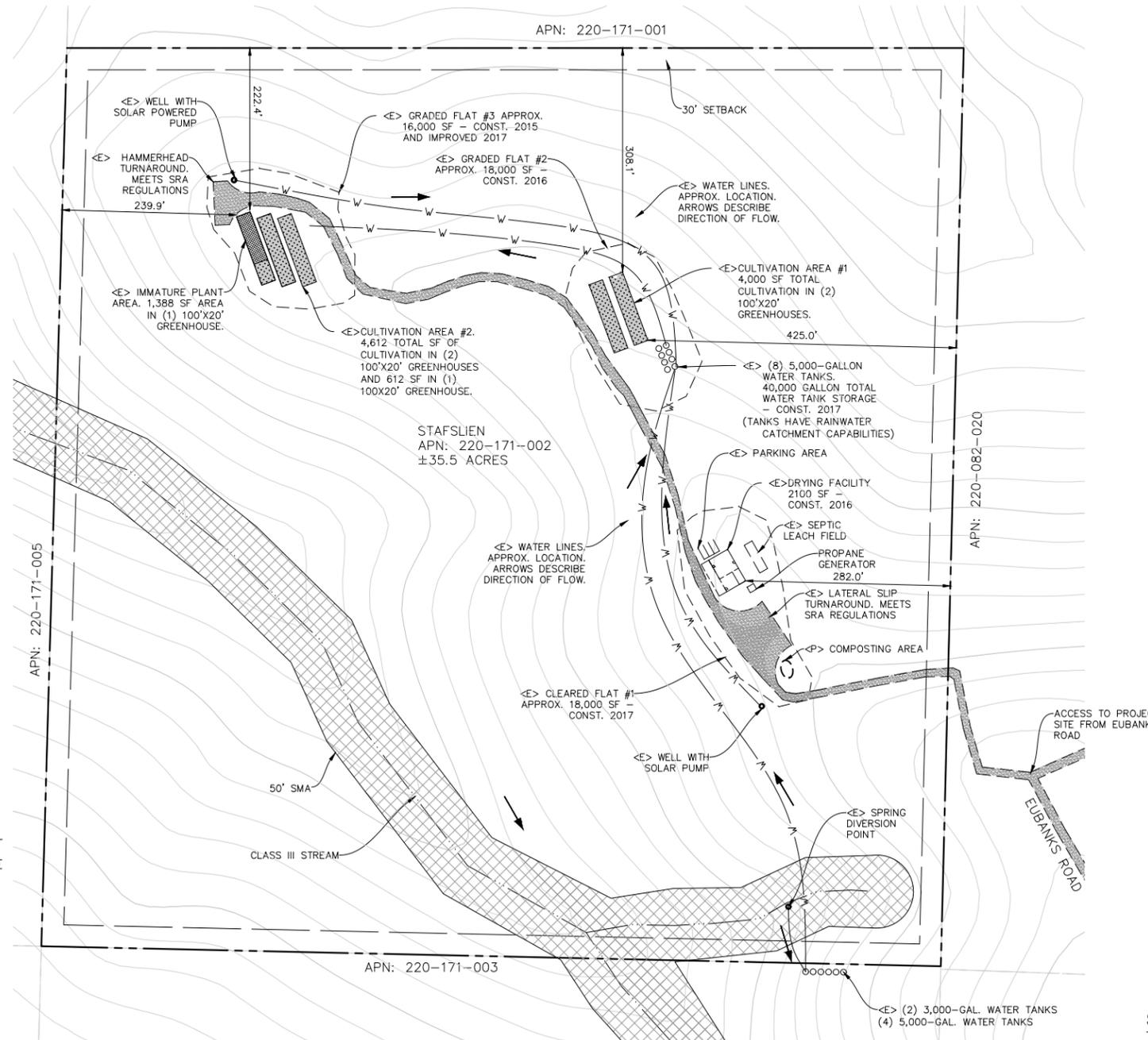
EUBANKS FARMS HAS APPLIED FOR A LAKE AND STREAMBED ALTERATION AGREEMENT (LSAA) WITH CDFW THAT COVERS THE EXISTING WATER DIVERSIONS. THE COUNTY WILL BE PROVIDED WITH A SIGNED COPY OF THE LSAA ONCE IT IS FINALIZED BY CDFW.

**NCRWQCB ORDER NUMBER R1-2015-0023**

EUBANKS FARMS, LLC WAS ENROLLED IN THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NCRWQCB) IN JULY 2017 FOR COVERAGE UNDER TIER 2 OF ORDER NO. 2015-0023. A WATER RESOURCES PROTECTION PLAN HAS BE DEVELOPED BY NORTHPOINT CONSULTING AND WILL BE IMPLEMENTED FOR ACTIVITIES ASSOCIATED WITH ONSITE CULTIVATION.

**STATE WATER RESOURCES CONTROL BOARD**

WATER FOR CANNABIS CULTIVATION IS PROVIDED BY TWO EXISTING WELLS AND SUPPLEMENTED BY SURFACE DIVERSION FROM A SPRING ON AN UNNAMED TRIBUTARY TO EUBANK CREEK. THE APPLICANT HAS FILED INITIAL STATEMENTS WITH SWRCB FOR THE POINTS OF DIVERSION (POD) FOR THE SPRING AND WELL. A SMALL IRRIGATION USE REGISTRATION (SIUR) WILL BE APPLIED FOR BY THE APPLICANT LATER IN 2018.



**PROJECT INFORMATION:**

**APPLICANT:**  
 EUBANKS FARMS, LLC  
 PO BOX 167  
 WHITE THORN, CA 95589

**PROPERTY OWNER:**  
 JOSEPH STAFSLIEN  
 PO BOX 167  
 WHITE THORN, CA 95589

**OWNERS AGENT:**  
 NorthPoint Consulting Group  
 117 SAMOA BLVD.  
 ARCATA, CA 95521  
 (707) 798-6438

**SITE ADDRESS:**  
 APN: 220-171-002  
 WHITE THORN, CA 95589

TREES TO BE REMOVED = NONE  
 EXISTING CULTIVATION AREA = 8,612 SQ. FT

PROPOSED CULTIVATION AREA = 8,612 SQ. FT

EARTHWORK QUANTITIES = TBD

WATER = PRIVATE  
 SEWER = PRIVATE

PARCEL SIZE = ±35.5 ACRES

ZONING: = U  
 GENERAL PLAN DESIGNATION = AL40 (FRWK)

**BUILDING SETBACKS:**

|       | U   | SRA |
|-------|-----|-----|
| FRONT | 20' | 30' |
| SIDE  | 5'  | 30' |
| REAR  | 10' | 30' |

MAX. BLDG. HT. = NONE SPECIFIED

SRA AREA: = YES  
 IN COASTAL ZONE: = NO  
 IN 100 YR FLOOD ZONE: = NO

**SHEET INDEX:**

CO - SITE MANAGEMENT PLAN, VICINITY MAP, & PROJECT NOTES

**PLOT PLAN**  
 22x34 SHEET: 1"=100'  
 11x17 SHEET: 1"=200'



| DATE     | REVISION                     |
|----------|------------------------------|
| 11/27/18 | REVISED PLOT PLAN PER COUNTY |
| 11/13/18 | REVISED WATER STORAGE        |
| 10/29/20 | REVISED SITE PLAN            |



EUBANKS FARMS, LLC./ APN: 220-171-002  
 WHITE THORN, CA  
 ZONING PLOT PLAN, VICINITY MAP, & PROJECT NOTES

|           |          |
|-----------|----------|
| PROJ MGR: | POW      |
| DRAWN BY: | DDR      |
| DATE:     | 11/13/18 |
| SCALE:    | AS SHOWN |
| SHEET     | CO       |
|           | 18-077   |

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
2. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3 –11. 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.
3. The applicant shall secure permits or applicable ag-exempt clearances for unpermitted grading or structures related to the cannabis cultivation and other commercial cannabis activity including all graded areas where greater than 50 cubic yards of soil will be or were moved, the drying/storage building, the solar array, all greenhouses, all structures with a nexus to cannabis of greater than 120-square feet, and all other features with a nexus to cannabis over which the Building Division has regulatory authority. The plans submitted for building permit approval shall be consistent with the project description and 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.
4. Six of the applicant's water tanks are within 30 feet of the Southern property line, within the 30-foot State Responsibility Area setback. The current Site Maps shows them off of the subject parcel, but this is due to inaccuracies in the property lines shown on the County's GIS system. Per the applicant and their Agent, the tanks are located on the subject parcel. Within two years of project approval, the applicant shall submit a revised Site Map that either proposes a new location for the tanks that complies with all applicable setbacks or that proposes an alternative source of water storage, or the applicant shall work with the owner of the adjacent property to the South to have recorded an easement that makes up the difference needed for the setback (30 feet on each side of property line). After the proposal is approved by the Planning and Building Department, the relocation, replacement, or easement shall occur.
5. At the request of the Department of Environmental Health, on an annual basis, the applicant shall submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for the duration of the cultivation season, or the applicant shall provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite waste treatment system, or for the proposed system to be installed in the drying facility (upon approval by the DEH).
6. The applicant shall submit documentation demonstrating that their generator is contained or otherwise muffled such that noise levels remain at or below 50 decibels at 100 feet away or at the nearest tree line, or whichever is closer, while the generator is operating.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

8. The applicant shall apply for and obtain an Address Assignment for APN 220-171-002 from the Humboldt County Planning & Building Department.
9. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
10. At the request of the Telegraph Ridge Fire Protection District, the applicant shall establish a fire standpipe and a stored water source of 2,500 gallons or greater, to be separate from water designated for irrigation and domestic use, and to be accessible for fire responders in the event of a fire on the parcel.
11. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
12. Per the Department of Public Works, Eubanks Road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County-maintained portion of Ettersburg-Honeydew Road. An encroachment permit must be obtained from Public Works prior to any work within the County right-of-way.

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

1. The intersection of the privately maintained section of Eubanks Road and the County-maintained section of Ettersburg-Honeydew Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
2. Security lighting shall be motion activated and shall comply with International Dark Sky Standards.
3. No timber conversion shall occur on the site to support cannabis cultivation or ancillary activities.
4. 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.
5. All components of the 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.
6. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
7. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

8. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
9. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
10. Confinement of the area of cannabis propagation, cultivation and drying 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).
11. Maintain enrollment in Tier 1, 2 or 3, certification with the State Water Resources Control Board (SWRCB\_ Order No.WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
12. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
13. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
14. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
15. Pay all applicable application and annual inspection fees.
16. The noise produced by any generator used temporarily or on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 50 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
17. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
18. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
19. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
20. Any project related noise shall be contained to the extent feasible (e.g. containment of fans and dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.

21. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
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 MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
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, 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:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) Personal protective equipment policies, including respiratory protection.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) Poison control contacts.
  - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

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

28. All cultivators shall comply with the approved Processing Plan as to the following (if applicable):

- I. Processing Practices.
- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

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

31. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #30 above 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. Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
- II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) will be distributed within the State of California; and

III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

34. 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.
35. 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 violation(s) at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violation(s) shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #30 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. The applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

## ATTACHMENT 2

### REQUIRED FINDINGS FOR APPROVAL

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

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

1. The proposed development is in conformance with the County General Plan 2017, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

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

| Plan Section   | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding  |
|--|--|--|
| <p>Land Use Chapter 4</p> <p>Land Use Designations 4.8</p> | <p><b>Residential Agriculture (RA40):</b><br/>           This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems.<br/>           Density range is 40-160 acres/unit.</p>  | <p>The Applicant proposes the continued operation of an existing commercial cannabis cultivation site consisting of 8,612 square feet of existing outdoor commercial cannabis cultivation to be grown in greenhouses using light deprivation on lands designated as Residential Agriculture. General agriculture and intensive agriculture are allowable use types for this designation.</p>   |
| <p>Circulation Chapter 7</p>                               | <p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p> | <p>One full time employee and a maximum of three seasonal employees will work on this parcel. The subject parcel is accessed via a private driveway from Eubanks Road, which is accessed via Ettersburg Honeydew Road from Briceland Thorne Road. Eubanks Road is privately-maintained while Ettersburg-Honeydew Road and Briceland Thorne Road are maintained by the County. The applicant has provided a Road Evaluation stating that Eubanks Road and Ettersburg-Honeydew Road both have the functional capacity of a Category 4 Road capable of accommodating commercial traffic. The project was reviewed by the Public Works Department which recommended approval with the condition that Eubanks Road be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County-maintained section of Ettersburg-Honeydew Road. This is included as a condition of project approval. Public Works also requested that the intersection between Eubanks Road and Ettersburg Honeydew Road be maintained in accordance with County Code Section 351-1 (Sight Visibility Ordinance). This is included as an ongoing condition of project approval.</p> |

| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|---|---|
| <p>Housing<br/>Chapter 8</p>   | <p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>   | <p>The project does not involve residential development, nor is the project site part of the 2019 Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>  |
| <p>Conservation and Open Space<br/>Chapter 10</p> <p>Open Space<br/>Section 10.2</p> | <p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p> | <p>The proposed project is located within an Open Space Action Program because the project has elements that require temporary activity within a Streamside Management Area (see §314-61.1 Streamside Management Area (SMA) below). 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. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p> |

|  |  |   |
|--|--|---|
| <p>Conservation and Open Space<br/>Chapter 10</p> <p>Biological Resources<br/>Section 10.3</p> | <p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p> | <p>The project is located in the Mattole River Watershed on 41 acres. The site is at an average elevation of 1,200 feet above sea level. There is a spring located on the property that feeds an unnamed Class III tributary to Eubanks Creek. Eubanks Creek, a class I watercourse is approximately 350 feet away from the property line. The topography is mild to relatively steep, with prairies and forested areas. All cannabis cultivation activities are on mild slopes of less than 30%. The parcel was historically part of a larger 640-acre patent parcel used for livestock ranching, tanbark extraction, and timber harvest.</p> <p>The site is within the Headwaters Mattole River HUC-12 Watershed and the Eubank Creek Super Planning Watershed. The parcel contains aquatic habitats in the form of perennial and intermittent stream habitat, which are tributaries of Eubank Creek and ultimately the Mattole River. The water sources for the project are two groundwater wells, rainwater catchment, and a point of diversion. There is 66,000 gallons of water storage capacity on the site, and the water use of the project is not anticipated to affect these watersheds.</p> <p>Cultivation-related ground disturbance on the site includes three graded flats and an access road. Aerial imagery indicates that timber conversion occurred on the site between 2014 and 2016 and results of the Cultural Resources Survey for the parcel indicate that grading also occurred at that time. Please see the Timber Conversion performance standard for further information.</p> <p>A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting occurred approximately .45 miles from the cultivation areas on the subject parcel, and the nearest mapped Northern Spotted Owl activity center is approximately 1.05 miles away from the cultivation areas on the subject parcel. Conditions of approval require that noise levels produced by the applicant's backup generator and all other cultivation-related noise sources, including greenhouse fans, shall never exceed 50db at 100 feet from the generator, the edge of forest habitat, or property lines, whichever is closer.</p> <p>The project was referred to the California Department of Fish &amp; Wildlife (CDFW), and the following comments were received: the groundwater wells that provides water for the project shall be evaluated annually for potential of drawdown. The evaluation shall include a standard pump test or similar procedure to be conducted</p> |
|--|--|---|

| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|---|---|
|  |   | <p>during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. The Planning Department believes that this condition is not necessary as the well is required to be metered and to make records of the meter available at the annual inspection. If the well is not producing the amount necessary, the county may reduce the allowable cultivation area or require installation of an alternative water source.</p> <p>Further, the following conditions have been added to the project to protect local wildlife: The applicant will adhere to the terms and reporting requirements established through any future Streambed Alteration Agreements established for the parcel. The applicant will ensure that all cultivation-related noise sources are shielded and that decibel levels remain below 50 decibels at 100 feet from the noise source or at tree lines. The applicant will leave wildlife on the subject parcel undisturbed and will allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant will not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. All refuse will be contained in wildlife proof storage containers and will be disposed of at an authorized waste management facility. Finally, all security lighting will be motion activated and comply with International Dark sky Association Standards.</p> |
| <p>Conservation and Open Space<br/>Chapter 10</p> <p>Cultural Resources<br/>Section 10.6</p> | <p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p> | <p>The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that a Cultural Resources Survey be prepared for the parcel. A survey was conducted by William Rich and Associates in late 2017, and no artifacts, features, deposits, or other cultural resources, which would be considered an historical resource or a tribal cultural resource for the purpose of CEQA (15064.5(a)), were identified during the field survey. Results of the survey were reviewed by the Bear River THPO, who recommended adherence to the standard inadvertent discovery protocol. This protocol is included as an ongoing condition of approval for the life of the project. If cultural resources are encountered during construction</p>  |

| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|---|---|
|  |   | <p>activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.</p>   |
| <p>Conservation and Open Space<br/>Chapter 10<br/><br/>Scenic Resources<br/>Section 10.7</p> | <p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).</p> <p>Related standards: SR-S4, Light and Glare.</p> | <p>The project is not located near a scenic highway. The project involves the cultivation of 8,216 square feet of existing outdoor cannabis cultivated in greenhouses using light deprivation. The cultivation site will not be visible from nearby public roads because vegetated buffers are maintained between all cultivation areas and neighboring parcels under separate ownership or public roads. No supplemental lighting is proposed for cannabis cultivation. Supplemental light used temporarily for cannabis propagation will be appropriately shielded such that no light escapes at a level visible from neighboring properties in accordance with International Dark Sky Standards. Security lighting will be motion-activated and downward facing in compliance with International Dark Sky Standards, and the project will not result in any light escape that could affect scenic resources.</p> |

| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|---|---|
| <p>Water Resources<br/>Chapter 11</p> <p>Stormwater<br/>Drainage</p> | <p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.</p> | <p>The applicant has enrolled in the State Water Board 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), and a Notice of Applicability was issued for the project (WDID 1_12CC418273). A Site Management Plan was prepared for the project by North Point Consulting Group pursuant to enrollment in the General Order and pursuant to previous registration in the Regional Order (WDID 1B171363CHUM). The Site Management Plan discusses findings from a site visit that occurred in July 2018. The Site Management Plan states that, at the time of the site visit, the applicant's private driveway off of Eubanks Road was observed to be in good condition without any signs of erosion. It was also observed to be of a mild gradient, appropriate outloped in most section and insloped with inboard ditches in other sections, and much of the road surface consisted of angular gravel. The report further states that there are no water bodies or stream crossings within the project, that there were no areas of active soil disturbance or active slides or earth movement, and that all disturbed areas comply with riparian setback requirements.</p> <p>The Site Management Plan recommends that any sections of bare road surface be rocked to control erosion and that the applicant implement appropriate winterization and monitoring procedures. Conditions of approval require the applicant to implement all corrective actions detailed within the Site Management Plan, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.</p> |

| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|---|---|
| <p>Water Resources<br/>Chapter 11</p> <p>Onsite<br/>Wastewater<br/>Systems</p> | <p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p> | <p>Harvested cannabis plants are dried in the 2,100-square-foot support facility on the site and are processed offsite at a licensed processing facility. The support facility has an unpermitted Onsite Wastewater Treatment System (OWTS). Should the applicant choose to process onsite, the support facility will require a commercial building permit and the OWTS will need to be approved by the Department of Environmental Health (DEH). One full time employee and a maximum of three part time employees will work on the site. The project was reviewed by the DEH, which recommended approval with the condition that prior to renewal of permit, the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for the duration of the year or to provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing Onsite Waste Treatment System (OWTS) serving the support facility.</p> |
| <p>Noise<br/>Chapter 13</p>  | <p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>  | <p>The subject parcel is located in an area that requires special noise attenuation measures due to the presence of a mapped Northern Spotted Owl activity center within two miles of the cultivation sites on the subject parcel. While the primary power source to the project is solar, the project includes a backup generator. The project is conditioned that any project related noise shall be contained to the extent feasible (e.g. containment of generators, fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.</p>  |

| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding  |
|--|---|--|
| <p>Safety Element<br/>Chapter 14</p> <p>Geologic &amp; Seismic</p> | <p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P7, Structural Hazards; and S-P11, Site Suitability.</p> | <p>The project site is not located in a mapped Alquist-Priolo fault zone, nor is it subject to liquefaction. The project does not pose a threat to public safety from exposure to natural or manmade hazards. The historic cannabis cultivation site, where activity is proposed to continue was graded without permits, as were two other flats. All structures proposed for cannabis cultivation and ancillary activities are existing. There are mapped historic landslides on the parcel, but no elements of the project lie within those areas. The seismic safety rating for the parcel is moderate. All applicable structures and features with a nexus to the cannabis cultivation activity will be subject to review by the Building Division for consistency with applicable State, Federal, and local regulations of building standards, including those related to slope stability, ground shaking, and geologic risk.</p> |
| <p>Safety Element<br/>Chapter 14</p> <p>Flooding</p>               | <p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; and S-P15, Construction Within Special Flood Hazard Areas.</p>  | <p>The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 5 miles distance from the coast and over 1000 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>   |
| <p>Safety Element<br/>Chapter 14</p> <p>Fire Hazards</p>           | <p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>   | <p>The subject parcel is located within an area with a high fire hazard severity. The project site is located within the Telegraph Ridge Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The project was referred to Cal-Fire, and standard comments were received. In comments received 10/21/2020, Cal-Fire expressed no concern about historic timber conversion on the site (See Timber Conversion finding for further details). Comments from the Telegraph Ridge Fire Protection District indicate that there is insufficient water source for fire safety and that a fire standpipe is needed.</p>   |

| Plan Section   | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|--|---|
|  |  | Conditions of approval require the applicant to designate a separate stored water source, of at least 2,500 gallons, to be designated for fire suppression, to install a fire standpipe.  |
| Community Infrastructure and Services Element, Chapter 5<br><br>Implementation Action Plan | IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.   | The project is within the Telegraphic Ridge Fire Protection District and the State Responsible Area.  |
| Air Quality Chapter 15   | Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).<br><br>Related policies: AQ-P4, Construction and Grading Dust Control; and AQ-P7, Interagency Coordination. | Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during any construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. |

**2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:**

The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

| Zoning Section                          | Summary of Applicable Requirement  | Evidence That Supports the Zoning Finding  |
|---|--|--|
| §312-1.1.2<br><br>Legal Lot Requirement | Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations. | The subject parcel was legally created by conveyance of deed 1040-124 Belcher Abstract & Title Co to S Randall on 4/20/1970. |

| Zoning Section   | Summary of Applicable Requirement   | Evidence That Supports the Zoning Finding   |
|--|---|---|
| §314-8.1<br>Unclassified (U)                                 | <b>Unclassified (U):</b> The Unclassified zone is applied to areas that have not been sufficiently studied to justify precise zoning classifications. | The proposed action would permit an outdoor commercial cannabis cultivation in existence prior to January 1, 2016. on a parcel zoned Unclassified (U). The existing cultivation area totals 8,216 square feet. The proposed cannabis cultivation use is specifically allowed with a Special Permit in the U zone under Section 314-55.4.8.2.2 of the CMMLUO.  |
| Min. Lot Size  | 6,000 square feet   | 41 acres  |
| Min. Lot Width   | 50 feet   | ~1255 feet  |
| Max. Lot Depth   | Three times the width   | ~1240 feet  |
| Minimum Yard Setbacks:<br><br>(Through the SRA requirements) | Front: 20 feet<br>Rear: 10 feet<br>Side: 5 feet<br><br>SRA: 30 feet, all sides  | All structures are greater than 30 feet from property lines at all signs with the exception of six of the applicant's water tanks that are within 30 feet of the Southern property line, within the 30-foot State Responsibility Area setback. The current Site Maps shows them off of the subject parcel, but this is due to inaccuracies in the property lines shown on the County's GIS system. Per the applicant and their Agent, the tanks are located on the subject parcel. Within two years of project approval, the applicant shall submit a revised Site Map that either proposes a new location for the tanks that complies with all applicable setbacks or that proposes an alternative source of water storage, or the applicant shall work with the owner of the adjacent property to the South to have recorded an easement that makes up the difference needed for the setback (30 feet on each side of property line). After the proposal is approved by the Planning and Building Department, the relocation, replacement, or easement shall occur. |
| Max. Ground Coverage   | Forty percent   | >40%  |
| Max. Building Height   | None specified  | <35 feet  |

|   |   |   |
|---|---|---|
| <p>§314-61.1<br/>Streamside<br/>Management<br/>Area (SMA)</p> | <p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of Class I or Class II streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p> <p>The SMA of Class III or intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p> | <p>The project is within the Cape Mendocino Planning Watershed, the Headwaters Mattole HUC 12 watershed, and the Eubank Creek Planning Watershed. The parcel contains aquatic habitats in the form of perennial and intermittent stream habitat, which are tributaries of Eubank Creek and ultimately the Mattole River. The sole project-related development within Streamside Management Areas on the parcel is a point of diversion used for cannabis irrigation. While the primary water sources are two groundwater wells, and rainwater catchment and the point of diversion serve as secondary water sources, the project includes a Special Permit for continued use of the point of diversion for cannabis irrigation.</p> <p>The applicant anticipates two light deprivation cycles per year. Water for cannabis irrigation is sourced from two existing groundwater wells and is supplemented by a point of diversion on an unnamed tributary to Eubank Creek. Water from the wells and the point of diversion shall be separately metered before it enters water storage. The project includes a Special Permit for use of the point of diversion for cannabis irrigation. The applicant holds a Right to Divert and Use Water issued by the State Water Resources Control Board (H100397), which covers use of the point of diversion. Additionally, a Streambed Alteration Agreement has been issued by the California Department of Fish &amp; Wildlife (CDFW). The SAA (Notification No. 1600-2018-0515-R1) covers eight encroachments on three adjacent parcels: three points of diversion, replacement of three failing culverts, and decommissioning of two stream crossings. The points of diversion are subject to forbearance as follows: The maximum instantaneous diversion rate shall not exceed three (3) gallons per minute (gpm) at any time, the permittee shall pass 90% of the flow at all times, no more than 300 gallons in any one day from all PODs combined shall be diverted cumulatively during the low flow season from April 1 to July 15 of each year, and no more than 200 gallons in any one day shall be diverted from POD 1 during the low flow season from July 16 to October 31 of each year. No water shall be diverted during the low flow season from POD 2 or POD 3 from July 16 to October 31 of each year. Conditions of approval require the applicant to meter their water usage and to adhere to the terms and reporting requirements of their Streambed Alteration Agreement or any future agreement issued by CDFW. A Notice of Applicability has also been issued for waste discharge subject to enrollment under the General Order (WDID:1_12CC418273).</p> |
|---|---|---|

| Zoning Section                   | Summary of Applicable Requirement   | Evidence That Supports the Zoning Finding  |
|----------------------------------|---|--|
| Off-Street Parking<br>§314-109.1 | <p>Off Street Parking:<br/>Agricultural use*: Parking space per employee at peak shift.</p> <p>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</p> | Four designated parking spaces are shown on the site plan and there is additional undesignated space for parking near the greenhouses if needed. |

| <b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b> |   |   |
|---|---|---|
| §314-55.4.8.2<br><br>Timberland Conversion  | In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section. | The project is located 1.8 miles up Eubank Creek at approximately 1200 feet above mean sea level. The surrounding landscape consists of open prairie and mixed Douglas Fir/ hardwoods, with slopes ranging from stable ridge tops to 17-25% hillslopes. The subject parcel is mostly forested, with a tributary to Eubank Creek flowing north across the southwest corner. A review of aerial imagery indicated that tree removal occurred on site, and so a Timberland Conversion Evaluation Report was prepared for the site by Timberland Resource Consultants. The report, which was prepared subsequent to a field visit by a Registered Professional Forester, details timber conversion at three locations on the subject parcel prior to 2016, for a total converted acreage of 1.05 acres. No sensitive, rare, threatened, or endangered species were observed during the TRC field assessment of the project area, and the RPF had no recommendations for needed treatment measures. Ongoing conditions of approval read that no further timber conversion will be allowed on the site to support cannabis cultivation or ancillary activities. |

**314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)**

|   |   |   |
|---|---|---|
| <p>§314-55.4.8.2.2<br/>Existing Outdoor and Mixed-Light Cultivation Areas</p> | <p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.<br/>A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation &gt;10,000 - 43,560 sf on parcels over 1-acre, zoned FR.</p> | <p>The proposed action is one Special Permit for 8,612 square feet of existing cannabis cultivation to occur outdoors in greenhouses using light deprivation on a property zoned Unclassified (U). Aerial imagery on TerraServer indicate that existing cultivation operations on the property began sometime before 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p> |
| <p>§314-55.4.8.10<br/>Permit Limit</p>  | <p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>   | <p>According to records maintained by the Department, the applicant, Eubanks Farms, LLC, has applied for three cannabis permit and currently hold no other cannabis activity permits. The applicant is entitled to four under the CMMLUO. This application is for one Special Permit.</p>   |
| <p>§314-55.4.9.1<br/>Accessory Processing</p>                                 | <p>Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.</p>  | <p>All commercial cannabis cultivated will be processed at a licensed off-site facility.</p>  |
| <p>§314-55.4.10<br/>Application Requirements</p>                              | <p>Identifies the Information Required for All Applications</p>   | <p>Attachment 4 identifies the information submitted with the application and shows all the required information was received.</p>  |
| <p>§314-55.4.11<br/>Performance Standards</p>                                 | <p>Identifies the Performance Standards for Cannabis Cultivation Activities</p>   | <p>All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>   |

|   |  |   |
|---|--|---|
| <p>§314-55.4.11.c<br/>Performance<br/>Standards-Water</p> | <p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p> | <p>The applicant anticipates two light deprivation cycles per year. Water for cannabis irrigation is sourced from two existing groundwater wells, rainwater catchment, and a point of diversion on an unnamed tributary to Eubank Creek. The project record includes Well Completion Reports for each well. The well near the Southeastern cultivation site (Well Completion Report No. 1087874) is 140 feet deep with first water encountered at 120 feet deep beneath several layer of Blue Shale and Hard Shale, an aquitard. This well is located at 1,280 feet above mean sea level. The well in the Northwestern portion is 220 feet deep, with first water encountered at 120 feet deep beneath several layers of clay and sandstone. Further, the well is located at approximately 1,160 feet above sea level. Given the depth of the wells, the elevation at which they are located, and the descriptions of the strata involved, it is unlikely that either well is hydrologically connected.</p> <p>Water from the applicant's wells is supplemented by rainwater catchment in hard tanks and by a point of diversion, which is used only outside of the forbearance period. The applicant holds a Right to Divert and Use Water issued by the State Water Resources Control Board (H100397). Additionally, a Streambed Alteration Agreement has been issued by the California Department of Fish &amp; Wildlife (CDFW). The SAA (Notification No. 1600-2018-0515-R1) covers eight encroachments on three adjacent parcels: three points of diversion, replacement of three failing culverts, and decommissioning of two stream crossings. The points of diversion are subject to forbearance as follows: The maximum instantaneous diversion rate shall not exceed three (3) gallons per minute (gpm) at any time, the permittee shall pass 90% of the flow at all times, no more than 300 gallons in any one day from all PODs combined shall be diverted cumulatively during the low flow season from April 1 to July 15 of each year, and no more than 200 gallons in any one day shall be diverted from POD 1 during the low flow season from July 16 to October 31 of each year. No water shall be diverted during the low flow season from POD 2 or POD 3 from July 16 to October 31 of each year. Conditions of approval require the applicant to meter their water usage and to adhere to the terms and reporting requirements of their Streambed Alteration Agreement or any future agreement issued by CDFW. A Notice of Applicability has also been issued for waste discharge subject to enrollment under the General Order (WDID:1_12CC418273).</p> <p>Water from the wells and the point of diversion shall</p> |
|---|--|---|

**314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)**

|  |   |  |
|--|---|--|
|  |   | <p>be separately metered before it enters water storage. There is 66,000 gallons of water storage capacity on the site in twelve (12) 5,000-gallon hard tanks, of which 8 have rainwater catchment capacity, and in two (2) 3,000-gallon tanks. Water is delivered to the cannabis plants via drip irrigation system or via hand watering. The applicant's estimated annual water use is approximately 129,180 gallons. Should the applicant's water storage capacity prove insufficient to meet the demands of the project during the forbearance period, the permit shall be modified to propose additional (non-diversionary) water storage.</p>  |
| <p>§314-55.4.11.d Performance Standards-Setbacks</p> | <p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p> | <p>The project complies with all required setbacks, with the exception of the 30-foot SRA setback at the Southern property line. Six of the applicant's water tanks are within 30 feet of the Southern property line, within the 30-foot State Responsibility Area setback. The current Site Maps shows them off of the subject parcel, but this is due to inaccuracies in the property lines shown on the County's GIS system. Per the applicant and their Agent, the tanks are located on the subject parcel. Within two years of project approval, the applicant shall submit a revised Site Map that either proposes a new location for the tanks that complies with all applicable setbacks or that proposes an alternative source of water storage, or the applicant shall work with the owner of the adjacent property to the South to have recorded an easement that makes up the difference needed for the setback (30 feet on each side of property line). After the proposal is approved by the Planning and Building Department, the relocation, replacement, or easement shall occur.</p> <p>There are no schools within 600 feet of the cultivation operation. There are no parks as defined in HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery, and there is no public land managed for open space or wildlife habitat. There is no place of religious worship within 600 feet. There are no cultivation-related structures within the 30-foot SRA setback. There are and will be no cultivation-related structures within Streamside Management Areas on the subject parcel except for the point of diversion used for cannabis irrigation as described elsewhere in this report.</p> |

**314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)**

|  |   |   |
|--|---|---|
| <p>§314-55.4.11.o<br/>Performance<br/>Standards-<br/>Generator Noise</p> | <p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p> | <p>The subject parcel is located in an area that requires special noise attenuation measures. While the primary power source to the project is solar, the project includes a backup generator. The project is conditioned that any project related noise shall be contained to the extent feasible (e.g. containment of generators, fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.</p> |
| <p>§314-55.4.17<br/>Sunset Date</p>                                      | <p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>   | <p>The applicant filed the application prior to the deadline of December 31, 2016.</p>  |

**4. Public Health, Safety and Welfare:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.

| Code Section | Summary of Applicable Requirements   | Evidence that Supports the Required Finding  |
|--------------|--|--|
| §312-17.1.4  | The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity. | The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinance and the project is not expected to cause significant environmental damage. |

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

| Code Section                           | Summary of Applicable Requirement  | Evidence that Supports the Required Finding   |
|--|--|---|
| 17.1.5<br>Housing Element<br>Densities | The proposed development shall not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized. | As discussed above the property was not included in the 2019 Housing Inventory because of the land use designation and zoning. It is developed with a single-family residence which will remain. The project is in conformance with the standards in the Housing Element. |

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3  
CEQA Addendum

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

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

*APN 220-171-002, Briceland area, County of Humboldt*

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

November 2020

## Background

**Modified Project Description and Project History** - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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. 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 modified project involves a Special Permit for 8,612 square feet of existing outdoor cannabis cultivation and a Special Permit for ongoing use and maintenance of a point-of-diversion for cannabis irrigation. Cultivation occurs in five greenhouses using light deprivation. Water is sourced from two existing groundwater wells and is supplemented by rain catchment and by a surface diversion from a spring that flows to an unnamed tributary to Eubank Creek. Water is delivered to the cannabis plants via a drip irrigation system. The current total storage capacity for cultivation is 66,000 gallons, contained in twelve (12) 5,000-gallon plastic tanks and two (2) 3,000-gallon water storage tanks. The applicant's estimated annual water use is 129,180 gallons. Drying will occur in an existing structure onsite and processing will occur offsite at a licensed third-party processing facility. A maximum of one full-time employee and up to three full-time seasonal employees will work on the site. Power is provided by an existing 4,500-watt solar array and supplemented by a 12KW propane generator.

The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that a Cultural Resources Survey be prepared for the parcel. A survey was conducted by William Rich and Associates in late 2017, and no artifacts, features, deposits, or other cultural resources, which would be considered an historical resource or a tribal cultural resource for the purpose of CEQA (15064.5(a)), were identified during the field survey. Results of the survey were reviewed by the Bear River THPO, who recommended adherence to the standard inadvertent discovery protocol. This protocol is included as an ongoing condition of approval for the life of the project. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. 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 for impacts of existing cultivation. These include compliance with noise and standards to limit disturbance to wildlife, light attenuation in compliance with International Dark Sky standards, identification and avoidance of cultural resources, measures to correct drainage and erosion on the subject parcel, and proper storage of fertilizers and soil amendments.

**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;
- or

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- County GIS.
- Site Plan and Operations Plan for Eubanks Farm, LLC.
- Well Completion Reports for new wells on APN 220-171-002.
- Right to Divert and Use Water for the point of diversion used for cannabis irrigation (H504929).
- Letter Re: Approval of Streambed Alteration Application (Notification No 1600-2018-0515-R1) for APNS 220-072-008, 220-081-012, 220-171-002, and 220-081-011.
- Notice of Applicability for APN 220-171-012 (WDID:1\_12CC418273).
- Site Management Plan prepared by NorthPoint Consulting Group, received 12/07/2018.
- Road Evaluation for the access route to APN 220-171-002.
- Timber Conversion Evaluation Report for APN 220-171-002, prepared by Timberland Resource Consultants.
- Cultural Resources Study for APN 220-171-002.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

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

## **CONCLUSION**

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

## ATTACHMENT 4

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. 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  $\frac{1}{4}$  mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached in Maps Section)
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; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan Prepared by NorthPoint Consulting Group, received 10/29/2020 - Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Attached Right to Divert and Use Water H504929)
6. Description of water source, storage, irrigation plan, and projected water usage. (Described in Cultivation and Operations Plan - Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. R1-2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability for WDID:1\_12CC418273 - Attached)
8. Site Management Plan prepared by NorthPoint Consulting Group, received 12/07/2018. (Attached)
9. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Streambed Alteration Agreement for Notification No 1600-2018-0515-R1 - Attached)
10. If the source of water is a well, a copy of the County well permit, if available. (Two Well Completion Reports for groundwater wells on APN 220-171-002 - Attached).

11. 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 (CALFIRE). 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 CALFIRE. (Timber Conversion Evaluation Report prepared by Timberland Resource Consultants, received 10.12.2020)
12. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
13. 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)
14. 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)
15. 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)
16. Road Evaluations prepared by applicant for the access route to 220-171-002. (Attached)

**EUBANKS FARMS, LLC  
CULTIVATION AND OPERATIONS MANUAL  
HUMBOLDT COUNTY, CA**

---

**PROPOSED COMMERCIAL CANNABIS  
CULTIVATION FACILITIES**

**PREPARED FOR:**



**Updated October 2020**

**Proposed Commercial Cannabis Cultivation Facilities**  
**APN # 220-171-002**  
**Apps # 12444**

Lead Agency:

***Humboldt County Planning Department***  
3015 H Street  
Eureka, CA 95501

Prepared By:

***NorthPoint Consulting***  
**Derek Roelle**  
317 3<sup>rd</sup> Street, Suite 15  
Eureka, California 95501  
(707) 798-6438

In Consultation with:

**Eubanks Farms, LLC**  
P.O. Box 167  
Whitethorn, CA 95589

**Updated October 2020**

TABLE OF CONTENTS

1. PROJECT SUMMARY ..... 1-2

    1.1. Project Objective ..... 1-2

    1.2. Site Description..... 1-2

    1.3. Land Use ..... 1-2

    1.4. State and Local Compliance..... 1-2

2. CULTIVATION AND PROCESSING ..... 2-4

    2.1. Legacy Cultivation Relocation and Remediation ..... 2-4

    2.2. Nursery Propagation and Initial Transplant..... 2-4

    2.3. Cultivation Soil..... 2-4

    2.4. Outdoor Cultivation Plan and Schedule ..... 2-4

    2.4. Irrigation Plan and Schedule..... 2-5

    2.5. Harvesting and Drying ..... 2-5

    2.6. Employee Plan ..... 2-5

    2.7. Security Plan and Hours of Operation ..... 2-6

3. ENVIRONMENT ..... 3-7

    3.1. Water Source and Projected Water Use ..... 3-7

    3.2. Water Storage..... 3-7

    3.3. Site Drainage, Runoff, and Erosion Control ..... 3-7

    3.4. Watershed and Habitat Protection ..... 3-8

    3.5. Monitoring and Reporting ..... 3-8

    3.6. Energy and Generator Use ..... 3-9

    3.7. Use and Storage of Regulated Products ..... 3-9

    3.8. Waste Management Plan ..... 3-10

4. PRODUCT MANAGEMENT ..... 4-11

    4.1. Product Testing and Labeling ..... 4-11

    4.2. Product Inventory and Tracking ..... 4-11

    4.3. Transportation and Distribution ..... 4-11

APPENDICES

- Appendix A: Plot Plan
- Appendix B: Cultivation Activities Schedule
- Appendix C: Regulated Products Resource List
- Appendix D: References
- Appendix E: Water Rights for Diversions

## 1. PROJECT SUMMARY

### 1.1. PROJECT OBJECTIVE

Eubanks Farms, LLC is proposing to permit existing commercial cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Special Permit for approximately 8,612 ft<sup>2</sup> of existing outdoor cannabis cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including greenhouses, a cultivation facility for drying and curing of cannabis, water diversion works, and appropriate water storage. The applicant aims to become fully compliant with State and Local cultivation regulations.

### 1.2. SITE DESCRIPTION

The site is located at 140 Eubanks Rd., Whitethorn, CA 95589 (APN: 220-171-002), in the headwaters of the Mattole River watershed. The rural subject parcel is approximately 35.5 acres in size (*Humboldt County WebGIS*) and is in southwest Humboldt, about 7.8 miles north of Whitethorn. To reach the site from Eureka, take US-101 south for about 63.2 miles to Redway. Take exit 642 onto Redwood Dr. and follow the road into Redway, then turn right at Briceland Thorn Rd. Travel on Briceland Thorn Rd. for about 10 miles and lean right onto Ettersburg Rd., then travel about another 0.7 miles to Eubanks Rd and turn left. Travel down Eubanks Rd. for about a mile and hang left at the fork in the road. The entrance to the subject parcel is about 0.8 miles down, on the right side. The site coordinates are Latitude 40.0849° and Longitude -123.9714°.

The property is about 1.8 miles up Eubank Creek at an elevation of approximately 1,200 ft. above mean sea level. Eubank Creek is a tributary to the Mattole River, which is home to two threatened salmonid species and is listed as an impaired waterbody for excessive sedimentation/siltation and temperature under Section 303(d) of the Clean Water Act. The surrounding landscape consists of open prairie and mixed Douglas Fir/hardwoods, with slopes ranging from stable ridgetops to 17-25% hillslopes. The climate is characterized by warm, dry summers and cool winters. The average annual precipitation is around 38 inches. The subject parcel is mostly forested, with a tributary to Eubank Creek flowing north across the southwest corner. The property is developed with a 2,100 ft<sup>2</sup> building, greenhouses, roads, and water infrastructure situated in the central part of the parcel.

### 1.3. LAND USE

The subject property has a Land Use designation of Residential Agricultural (RA40) as described in the Humboldt County General Plan – Volume 1, Framework Plan (FWRK), and is zoned as Unclassified (U). Surrounding properties are designated Unclassified (U) (*Humboldt County WebGIS*).

### 1.4. STATE AND LOCAL COMPLIANCE

#### 1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Eubanks Farms, LLC has applied for one (1) Small Mixed-Light Tier 1 Cannabis Cultivation Temporary and Annual License for this operation. The Temporary license (TAL18-0007965) has been approved by the California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division. The Annual license is being reviewed. Although Eubanks Farms, LLC has applied for "Mixed-Light" type licenses at the state level, supplemental lighting is used on flowering plants (only light deprivation).

#### 1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for cannabis cultivation is provided by two deep water wells and supplemented by a surface diversion that flow to an unnamed tributary to Eubank Creek. The well near the northern cultivation area has been assigned Initial Statement of Diversion and Use (ISDU) #S027930, the well near the

2,100 ft<sup>2</sup> building has been assigned ISDU #S026756, and the surface point of diversion in the southeast of the property has been assigned ISDU #S026736. A Small Irrigation Use Registration application has been filed and is awaiting final approval by the SWRCB (Registration ID: H504929).

Water for cannabis cultivation will be provided by a surface diversion and supplemented by two ground water wells and rainwater catchment. Water from the spring diversion is diverted to a series of storage tanks which total 65,000-gallons of storage.

#### **1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD**

Eubanks Farms, LLC was enrolled 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 North Coast Region* (WDID#: 1B171363CHUM). An initial Notice of Intent to Enroll and Monitoring and Reporting Program form were submitted upon enrollment for 2016, and an Annual Report was submitted for 2017.

Joseph Staflien will transition to coverage under State Water Resources Control Board General Order WQ 2017-0023-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities* by July 1, 2019. A Water Resources Protection Plan / Site Management Plan hybrid document to satisfy both the state and regional order has been developed by NorthPoint Consulting Group, Inc and is being implemented on-site.

#### **1.4.4. 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 Special Permit. The existing infrastructure consists of a 1,800 ft<sup>2</sup> drying/storage facility and five (5) 2,000 ft<sup>2</sup> greenhouses.

#### **1.4.5. CAL FIRE**

The subject property is located within a State Responsibility Area (SRA) for fire protection. The property owner will complete any improvements required by the CA Department of Forestry and Fire Protection (Cal Fire) to meet SRA requirements, such as designating a fire turn-around and pull-out area for emergency vehicles, management of trees and vegetation around existing structures to maintain the required 100-foot defensible space, and the installation of a 2,500-gallon water tank with a riser to SRA specifications. All structures on the property meet the 30-foot SRA setback requirement from property lines.

#### **1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

NorthPoint Consulting has developed a Lake and Streambed Alteration Agreement (LSAA) for the CDFW that covers the existing water diversion (Notification #1600-2018-0515). The County will be provided with a copy of the LSAA once it is finalized by CDFW.

#### **1.4.7. CULTURAL RESOURCES**

A Cultural Resources Survey has been conducted and finalized by Bill Rich. If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist

is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

## 2. CULTIVATION AND PROCESSING

### 2.1. LEGACY CULTIVATION RELOCATION AND REMEDIATION

In 2015, the original 10,900 square foot outdoor cultivation area was located on a natural flat ridgetop at the north west corner of the property. In 2016, the applicant abandoned the original cultivation area due to uneven topography and limited footprint area, and relocated approximately 3,200 square feet of the cultivation to two (2) 1,600 square foot greenhouses located approximately 300 feet east. The greenhouses were erected on an approximately 20,000 square foot flat that was graded the same year. Also in 2016, a graded flat approximately 18,000 square feet in area was created for the existing 2,100 square foot drying building and water storage. In 2017, the original ridgetop flat to the west was re-graded and cleared of grass to accommodate three (3) greenhouses containing 6,800 square feet of cultivation. The combined cultivation from the two cultivation sites is approximately 10,000 sf. All work was performed during the dry season, and the cultivation sites are located well outside of riparian area setbacks. See the plot plan in Appendix A for cultivation footprint details.

### 2.2. NURSERY PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are propagated from onsite ‘mother plants’ that demonstrate the desired genetics for the specific cannabis strain. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium called oasis cubes to produce clones. The clones are planted into 5.5” pots in a greenhouse and transplanted directly into garden beds after 2-3 weeks. The juvenile plants are irrigated using hand watering methods.

### 2.3. CULTIVATION SOIL

The cultivation potting soil is Aurora Innovations Formula 707. It is amended and fertilized as needed, using a mix of Stutsman’s Chicken Manure, ground oyster shells, and a general fertilizer (listed in Section 3.7). Spent potting soil is kept in garden beds and reused each year. Amendments are tilled in at the start of each vegetative cycle and new potting soil is added as needed.

### 2.4. OUTDOOR CULTIVATION PLAN AND SCHEDULE

Cultivation will occur in five (5) greenhouses for a total area of approximately 8,612 ft<sup>2</sup>. Approximately 4,000 square feet (sf) of cultivation is located in two (2) 2,000 sf greenhouses on the flat on the northeast quadrant of the property, and 4,612 sf of cultivation is located in two (2) 2,000 sf greenhouses and in a portion of (1) 2,000 sf greenhouse on the flat located in the northwest quadrant of the property.

The greenhouses are a “Low Profile Quonset” design made by Oregon Valley Greenhouses Inc. They consist of heavy-gauge steel pipe, Poly Carbonate centers, 2 x 4 lumber ends, and are covered with woven poly-film. Each greenhouse is ventilated by pulling up the film as needed.

The applicant utilizes light deprivation techniques in the greenhouses to produce up to two flowering cycles per year. Black out plastic tarps are pulled over the greenhouses to shorten the daylight hours,

which induces flowering. The monthly cultivation schedule in Appendix B details the cultivation activities associated with light deprivation for a typical two-cycle year.

**2.4. IRRIGATION PLAN AND SCHEDULE**

Young plants are hand-watered as needed. Depending on the growth stage, temperature, and relative humidity, they’re typically watered once every 1-4 days. Watering amounts range from 0.2-0.4 liters. Adult plants are watered via drip emitters. They’re typically watered every other day, depending on the same parameters as when they are young. Watering amounts range from 0.5-1 gallon per square foot per watering. The monthly cultivation schedule in Appendix B details the irrigation activities associated with all cultivation.

**2.5. HARVESTING AND DRYING**

Plants that are ready for harvest have their flowering branches removed and suspended in the existing drying facility that is equipped with ventilation fans. The drying process takes approximately 5-10 days, at which time the dried plants will be packaged and transported offsite to a licensed packaging facility. Any waste plant material generated during this process will be composted on site in a designated location.

**2.6. EMPLOYEE PLAN**

Eubanks Farms 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), and complies with all applicable federal, state, and local laws and regulations governing California Agricultural Employers.

**2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY**

Staffing will be required as shown in the table below.

| Table 2.6.1: Monthly Staffing Requirements |     |   |       |     |      |      |     |      |     |     |     |  |
|--|-----|---|-------|-----|------|------|-----|------|-----|-----|-----|--|
| <b>Agent in Charge/Lead Cultivator</b>     |     | Responsible for business oversight and management. Responsibilities include: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors, oversight and management of daily cultivation activities, plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This position will be filled by the owner. |       |     |      |      |     |      |     |     |     |  |
| <i>Part Time</i>                           |     |   |       |     |      |      |     |      |     |     |     |  |
| Jan  | Feb | Mar   | April | May | June | July | Aug | Sept | Oct | Nov | Dec |  |
|  | 1   | 1   | 1     | 1   | 1    | 1    | 1   | 1    | 1   | 1   |     |  |
| <b>Laborer</b>                             |     | Provides cultivation, harvesting, and drying support. Two full-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation and harvest seasons.  |       |     |      |      |     |      |     |     |     |  |
| <i>Full Time</i>                           |     |   |       |     |      |      |     |      |     |     |     |  |
| Jan  | Feb | Mar   | April | May | June | July | Aug | Sept | Oct | Nov | Dec |  |
|  |     |   | 3     | 3   | 3    | 3    | 3   | 3    | 3   |     |     |  |

### **2.6.2. STAFFING REQUIREMENTS**

In addition to the *Agent in Charge / Lead Cultivator* position, up to three full-time seasonal labor positions are filled. The number of seasonal laborers varies based on the needs of the farm during the cultivation and harvest seasons. During the peak harvest and processing season, there are an estimated total of four (4) employees on site.

### **2.7.2 EMPLOYEE TRAINING AND SAFETY**

On-site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure, as well as proper application and storage of pesticides and fertilizers. All cultivation and harvesting staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation and drying facilities are limited to authorized and trained staff.

All personnel are trained on proper safety procedures, including fire safety, use of rubber gloves and respirators, proper hand washing guidelines, and protocol in the event of an emergency. Contact information for the local fire department, Cal Fire, Humboldt County Sheriff and Poison Control, and the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to personnel or contractors.

### **2.6.3. TOILET AND HANDWASHING FACILITIES**

The applicant is planning to install restroom facilities in the existing drying/storage building that has an unpermitted septic system. Prior to construction, a septic professional will conduct a site inspection of the septic system to determine if it poses a threat to ground or surface waters. The building will include one ADA-compliant restroom with a working flush toilet and a hand-washing station with soap, towels, and hot and cold running water. Employees will work at a distance typically less than 500 feet from the restroom facility.

### **2.6.4. HOUSING AND PARKING**

There is no residence on-site. The Agent in Charge/property owner and family live in the single-family residence nearby. Seasonal laborers will live off-site and commute to the property from the nearby community of Redway, approximately 12 miles away. No new residential structures are proposed as a part of this project. Employees will have parking spaces near the greenhouses (as designated on the Plot Plan in Appendix A).

## **2.7. SECURITY PLAN AND HOURS OF OPERATION**

### **2.7.1. FACILITY SECURITY**

The site of operations is in a very rural and isolated landscape. The entrance to the property is just off the main dirt road and has a closed security gate. The gate remains locked at all times and access is limited exclusively to property owner and personnel. Restricted access signs are posted conspicuously at the entry gates. All entrances will have motion activated security lights and cameras that are part of a property-wide surveillance system, if required. All lighting will be designed and located so that direct rays are confined to the property.

### **2.7.2. HOURS OF OPERATION**

Hours and days of operation are as shown in the tables below. Additional details may be found in Appendix B in the cultivation and activities schedule.

| Table 3: Daily Hours of Operation |     |     |       |     |      |      |     |      |     |     |     |
|-----------------------------------|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|
| Jan                               | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|                                   |     |     | 8-6   | 8-6 | 8-6  | 8-6  | 8-6 | 8-6  | 8-6 |     |     |

| Table 4: Weekly Days of Operation |     |     |       |     |      |      |     |      |     |     |     |
|-----------------------------------|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|
| Jan                               | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
|                                   |     |     | 7     | 7   | 7    | 7    | 7   | 7    | 7   | 7   |     |

### 3. ENVIRONMENT

#### 3.1. WATER SOURCE AND PROJECTED WATER USE

Water for cannabis cultivation is provided by two deep water wells and supplemented by a surface diversion that flow to an unnamed tributary to Eubank Creek. The well near the northern cultivation area has been assigned Initial Statement of Diversion and Use (ISDU) #S027930, the well near the 1,500 ft<sup>2</sup> building has been assigned ISDU #S026756, and the surface point of diversion in the southeast of the property has been assigned ISDU #S026736. The two wells have Well Completion Reports on file with Humboldt County. A Small Irrigation Use Registration application has been filed and approved by the SWRCB (Registration ID: H504929, Certificate No.: H100397).

Eubanks Farms utilizes water management strategies to conserve onsite water and applies water at agronomic rates to achieve net zero discharge. Refer to Section 2.4 for a summary of irrigation practices, and Appendix B for the monthly irrigation schedule.

Table 3.1. below outlines the estimated 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. The irrigation needs for the entire 8,612 ft<sup>2</sup> of cultivation for one year is estimated to be approximately 129,180 gallons; however, this may be an over estimate.

| Table 3.1. Estimated Annual Water Use (Gallons) |     |     |        |        |        |        |        |        |        |     |     |
|---|-----|-----|--------|--------|--------|--------|--------|--------|--------|-----|-----|
| Jan   | Feb | Mar | April  | May    | June   | July   | Aug    | Sept   | Oct    | Nov | Dec |
| 0   | 0   | 0   | 18,453 | 18,453 | 18,454 | 18,456 | 18,456 | 18,454 | 18,454 | 0   | 0   |
| <b>Total: 129,180 gallons</b>                   |     |     |        |        |        |        |        |        |        |     |     |

#### 3.2. WATER STORAGE

The current total storage capacity for cultivation is 66,000 gallons, contained in twelve (12) 5,000-gallon and two (2) 3,000-gallon plastic tanks. Water is pumped from the spring and wells to the tanks during the winter, then gravity fed down to the cultivation areas. Water from the wells is also used directly at cultivation areas. Additionally, eight (8) of the 5,000-gallon storage tanks have rainwater catchment capabilities, which offsets water diversion amounts. Also, if required by Cal-Fire, a 2,500-gallon water tank may be installed to comply with SRA fire protection requirements. See the site plan in Appendix A for water storage details.

#### 3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Eubanks Farms, 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 North Coast Region* (WDID#1B171363CHUM). A Water Resources Protection Plan (WRP) / Site Management Plan (SMP) hybrid document has been developed by NorthPoint Consulting Group and will be implemented utilizing best management practices (BMP's) in accordance with the NCRWQCB and the SWRCB's recommendations for activities associated with onsite cultivation. The drainage and erosion control measures described below will be referenced in the SMP. Specific measures for properly maintaining site drainage, runoff and erosion control is covered in the SMP.

### **3.3.1. SITE DRAINAGE AND RUNOFF**

The site is moderately sloped and surface flow drains mostly toward the southwest into a tributary to Eubank Creek. The existing cultivation areas are located outside of stream setbacks and riparian zones.

The main road that leads to the drying shed and cultivation areas is in good condition and has been rocked to prevent surface erosion. There are no stream crossings within the project boundary.

Fertilizers and pesticides are being stored in the drying facility within secondary containment to prevent them from entering surface waters. Cultivation areas are being irrigated at agronomic rates so that no runoff is produced, and soil and spoil piles are properly stored outside of riparian areas. Specific measures for properly maintaining site drainage and runoff will be covered in the WRPP/SMP.

### **3.3.2. EROSION CONTROL**

The WRPP/SMP includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. It also includes corrective actions to reduce sediment delivery, including but not limited to the construction of rolling dips and inboard ditches on roads, appropriately storing cultivation materials and disposing of waste, and maintaining robust riparian zones.

### **3.4. WATERSHED AND HABITAT PROTECTION**

Adherence to the SMP ensures that the watershed and surrounding habitat are protected. The cultivation areas and associated structures are more than 150 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMPs in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the SMP.

### **3.5. MONITORING AND REPORTING**

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the WRPP/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 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 will be included in the WRPP/SMP with photo points identified on WRPP/SMP map.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or another 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 stormwater runoff.
- Following any rainfall event with an intensity of 3 inches of precipitation within 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>.

A Monitoring and Reporting Form (MRP Order No. 2015-0023) and Notice of Intent (NOI, *Order No. 2015-0023 Appendix A*) will be submitted to the NCRWQCB upon initial enrollment to comply with the *Order*. The Annual Report is re-submitted annually by March 31. The MRP annual report includes data from the monitoring reports and updates on the water use and which standard conditions are being met.

**3.6. ENERGY AND GENERATOR USE**

The site is located off-grid. Electricity for cultivation purposes is provided by an existing 4,500-watt solar array, and supplemented by a 12kW propane generator. The generator has a secondary containment apparatus built-in to contain any spills, and is located away from the property boundary to ensure the noise level does not exceed 60 decibels at the property line. The generator and solar array are used to power the drying facility approximately 4 hours a day during the drying process. The applicant follows all guidelines set up by Humboldt County and the State of California when using the generator. In the future, the applicant intends to expand the solar system to cover all electricity needs and phase out generator use. Table 3.6 below outlines monthly generator use.

| Table 3.6 Estimated Annual Generator Use by Month (Hours/Day) |     |     |     |       |     |      |      |     |      |     |     |     |
|---|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|
| Generator   | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec |
| 12kW  |     |     |     |       |     |      | 4    |     |      | 4   |     |     |

*(Generator is used to supplement 4,500-watt solar array)*

**3.7. USE AND STORAGE OF REGULATED PRODUCTS**

**3.7.1. BEST MANAGEMENT PRACTICES**

Best Management Practices (BMPs) are employed when storing, handling, mixing, application, and disposal of all fertilizers, pesticides, fungicides, chemicals, and petroleum products. All liquid products are in a locked storage room and contained within water tight, labeled containers in accordance with manufactures instruction. Dry soil and fertilizer products are immobilized and temporarily stored in a designated area while being used in cultivation areas. Excess products are saved for later use. Application rates will be tracked and reported with the end of the year monitoring report that is required in the WRPP/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. The WRPP/SMP includes complete BMP specifications for the use and storage of regulated products.

**3.7.2. FERTILIZERS**

The following table is a list the nutrients and supplements used for cultivation.

| Table 3.7.2. Fertilizers                                   |                              |  |
|--|------------------------------|--|
| Type/Brand   | Quantity Used Annually*      | Frequency/ Rate of Application (Depends on growth stage) |
| Stutzman Farms Sup’r Green Chicken Manure                  | 270 lbs.                     | Half of annual amount applied twice/year                 |
| Down to Earth Oyster Shell flour                           | 100 lbs.                     | Half of annual amount applied twice/year                 |
| General Hydroponics FloraGro                               | 36 gallons                   | 1.5-5 mL/gallon, once/week                               |
| Aurora Innovations Roots Organics Formula 707 potting soil | 200 - 1,000 ft. <sup>3</sup> | once/yr., mixed in as needed                             |

\*Quantity used annually is an approximation based on available data.

See Appendix C - *Regulated Products Resource List* for product details.

**3.7.3. PESTICIDES AND FUNGICIDES**

The following table is a list of pesticides and fungicides used for cultivation.

| Table 3.7.3. Pesticides and Fungicides |  |  |
|--|--|--|
| Type/Brand                             | Quantity Used Annually* (gallons/year) | Frequency/ Rate of Application (Depends on growth stage) |
| Old Stage Green Cleaner                | 1.2                                    | 0.5 oz./gallon, once per month                           |

\*Quantity used annually is an approximation based on available data.

A list of all pesticides and fungicides will be provided to the NCRWQCB during annual reporting. All products will conform to the California Department of Pesticide Regulation registration and use requirements for pesticide use on Cannabis. They are stored in the drying facility within secondary containment. See Appendix C for product details.

**3.8. WASTE MANAGEMENT PLAN**

**3.8.1. SOLID WASTE MANAGEMENT**

Trash and recycling containers are located inside the drying facility that has secondary containment. The containers are situated to prevent storm water contamination and leachate from entering or percolating to receiving waters Solid waste and recycling is hauled off-site to the Eel River Resource Recover Redway transfer station at least once per week.

### **3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT**

Cultivation vegetative matter such as root balls, branches, and leaves will be chipped and composted in a designated area identified on the plot plan. The broken-down materials will be mulched back into the beds. To minimize soil waste, soil is reused in the greenhouse beds each season and topped off as needed. Any excess soil will be covered and immobilized using sediment control BMPs to prevent it from entering surface waters. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

### **3.8.3. WASTEWATER MANAGEMENT**

There is one unpermitted septic system attached to the drying facility on the property. It has a 500-gallon plastic tank with an infiltrator leach field. The system will be inspected by a septic professional and will be improved if necessary for permitting through the Department of Health and Human Services.

Irrigation wastewater will be managed through Best Management Practices and water management to achieve an entirely closed-cycle irrigation and nutrient system, fully eliminating cultivation wastewater. The use of drip irrigation minimizes water use, and hand watering for fertigation minimizes subsequent runoff.

## **4. PRODUCT MANAGEMENT**

### **4.1. PRODUCT TESTING AND LABELING**

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled and will include tracking ID's provided by the County of Humboldt Cal Origin system and the California Cannabis Track-and-Trace (CCTT) Metrc systems.

### **4.2. PRODUCT INVENTORY AND TRACKING**

Eubanks Farms, LLC will follow all applicable track and trace systems, including the statewide CCTT-Metrc system and the county SiIPCA Cal Origin system, as required. At a County level, the applicant will comply with the Cal Origin system will utilize the provided traceable stamps with QR codes provided by the County to each package until otherwise directed. On a statewide level, after approval of Journey Aquarian's annual license, unique identifiers (UIDs) will be assigned to each immature lot, flowering plants, and/or distinct cannabis product. Eubanks Farms, LLC will complete the state-provided training before utilizing the CCTT-Metrc system.

### **4.3. TRANSPORTATION AND DISTRIBUTION**

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed commercial cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure and arrival

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported and ensuring that the physical inventory coincides with the transport manifest.

## **APPENDIX A: SITE PLAN**

## APPENDIX B: CULTIVATION ACTIVITIES SCHEDULE

| Item   | Description  | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|--|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Drainage, Runoff, and Erosion Control              | Winterization (storage of pots/greenhouse covers)                  |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc) |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Road maintenance   |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Culvert and inboard ditch maintenance/inspection                   |     |     |     |     |     |     |     |     |     |     |     |     |
| Irrigation Activities                              | Cultivation waste hauled off site                                  |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Cover soil beds and seed/straw with cover crop                     |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Irrigation of juvenile plants /clones                              |     |     |     |     |     |     |     |     |     |     |     |     |
| Pre-cultivation Activities                         | Irrigation of flowering plants                                     |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Transplant clones into beds  |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Amend soil in greenhouses and/or indoor cultivation building       |     |     |     |     |     |     |     |     |     |     |     |     |
| Light Deprivation Cultivation and Harvest Schedule | Light Dep (Cycle 1)  |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Full sun (Cycle 2)   |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Harvest activities   |     |     |     |     |     |     |     |     |     |     |     |     |
| Outdoor Cultivation and Harvest                    | Light deprivation: Greenhouses are covered with blackout covers    |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Outdoor Cultivation Cycle  |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Harvest activities   |     |     |     |     |     |     |     |     |     |     |     |     |
| Drying and Curing                                  | Drying activities  |     |     |     |     |     |     |     |     |     |     |     |     |
|  | Agent in Charge (Owner)  |     |     |     |     |     |     |     |     |     |     |     |     |
| Staffing Presence                                  | Seasonal Laborers  |     |     |     |     |     |     |     |     |     |     |     |     |
|  |  |     |     |     |     |     |     |     |     |     |     |     |     |

## APPENDIX C: REGULATED PRODUCTS LIST

### C.1. Fertilizers

1. Aurora Innovations Roots Organics Formula 707  
<http://www.aurorainnovations.org/formula-707.html>
2. Down to Earth Oyster Shell flour  
<http://downtoearthfertilizer.com/products/single-ingredients/oyster-shell/>
3. General Hydroponics FloraGro  
<http://generalhydroponics.com/floraseries>
4. Stutzman Farms Sup'r Green Chicken Manure  
<http://www.stutzman-environmental.com/fert-supgreen.php>

### C.2. Pesticides/Fungicides

1. Old Stage Green Cleaner  
<https://www.centralcoastgarden.com/products/green-cleaner/>

## APPENDIX D: REFERENCES

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.

<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.

<<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.

County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. [http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/). Date accessed: March 28, 2016.

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.

<<http://www.boe.ca.gov/news/pdf/173.pdf>>

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.

<[http://www.ag.ca.gov/cms\\_attachments/press/pdfs/n1601\\_medicalmarijuanaguidelines.pdf](http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf)>



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

DIVISION OF WATER RIGHTS

**RIGHT TO DIVERT AND USE WATER**

REGISTRATION H504929

CERTIFICATE H100397

Right Holder: *Joseph Stafslie*  
*PO Box 167*  
*Whitethorn, CA 95559*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 12/11/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

| Name of Diversion                | Source         | Tributary To: | Thence        | Latitude  | Longitude   | County   | Assessor's Parcel Numbers (APN) |
|----------------------------------|----------------|---------------|---------------|-----------|-------------|----------|---------------------------------|
| Primary POD (Stafslie Spring #3) | Unnamed Spring | Eubank Creek  | Mattole River | 40.091176 | -123.964517 | Humboldt | 220-081-011                     |
| Stafslie Spring #2               | Unnamed Spring | Eubank Creek  | Mattole River | 40.093548 | -123.972939 | Humboldt | 220-072-008                     |
| Stafslie Spring #1               | Unnamed Spring | Eubank Creek  | Mattole River | 40.083818 | -123.969945 | Humboldt | 220-171-002                     |

2. Purpose of Use and 3. Place of Use

| 2. Purpose of Use                                    | 3. Place of Use |                                 |         |
|--|-----------------|---------------------------------|---------|
|  | County          | Assessor's Parcel Numbers (APN) | Acres   |
| Irrigation, Aesthetic, Fire Protection, Recreational | Humboldt        | 220-081-012                     | 0.36501 |
| Irrigation, Fire Protection                          | Humboldt        | 220-072-008                     | 0.10606 |
| Irrigation, Fire Protection                          | Humboldt        | 220-171-002                     | 0.22957 |

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 01/02/2019.

The place of use is shown on the map filed on 01/02/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.884914 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.81

acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

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

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

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

downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

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

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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

Dated: 01/02/2019 09:48:17

© 2019 - State Water Resources Control Board

September 6, 2019

WDID:1\_12CC418273

EUBANKS FARMS, LLC  
ATTN: JOSEPH STAFSLIEN  
PO BOX 167  
WHITETHORN, CA 95589

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

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

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

Sincerely,

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

190906\_2L\_1\_12CC418273\_1B171363CHUM\_Eubanks\_Farm\_1\_\_NOA\_TW

**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, EUBANKS FARMS, LLC, HUMBOLDT COUNTY APN(s) 220-171 002**

Eubanks Farms, LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 26, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC418273**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B171363CHUM.

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

**1. FACILITY AND DISCHARGE DESCRIPTION**

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

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

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

**2. SITE-SPECIFIC REQUIREMENTS**

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

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

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

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

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

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

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

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/190403/180731\\_031616\\_401\\_WQ2017-0023-Application.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf)

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

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

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

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

### **3. TECHNICAL REPORT REQUIREMENTS**

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

A Site Management Plan, by September 23, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

### **4. MONITORING AND REPORTING PROGRAM**

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

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wq2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32).

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

[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

## **5. ANNUAL FEE**

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

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

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

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

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

The free Adobe Reader may be used to view and complete this form. However, software must be purchased to complete, save, and reuse a saved form.

File Original with DWR

# State of California Well Completion Report

Refer to Instruction Pamphlet  
No. XXXXXXX

Click to Get a New Log Number

Page \_\_\_\_\_ of \_\_\_\_\_

Owner's Well Number \_\_\_\_\_

Date Work Began 7-16-17 Date Work Ended 7-16-17

Local Permit Agency \_\_\_\_\_

Permit Number \_\_\_\_\_ Permit Date \_\_\_\_\_

| Geologic Log                   |                                  |  |
|--------------------------------|----------------------------------|--|
| Orientation                    |                                  | Specify                                    |
| <input type="radio"/> Vertical | <input type="radio"/> Horizontal | <input type="radio"/> Angle                |
| Drilling Method                |                                  | Drilling Fluid                             |
| Depth from Surface             |                                  | Description                                |
| Feet                           | to Feet                          | Describe material, grain size, color, etc. |
| 0                              | 70                               | Brn Sand Stone                             |
| 70                             | 90                               | Blue Clay                                  |
| 90                             | 120                              | FRAC BLU SANDSTONE                         |
| 120                            | 130                              | CLAY                                       |
| 130                            | 140                              | FRAC BLU SANDSTONE                         |
| 140                            | 160                              | BLU CLAY                                   |
| 160                            | 180                              | FRAC BLU SANDSTONE                         |
|                                |                                  | Quartz                                     |
| 180                            | 220                              | Solid BLU SANDSTONE (Red Rock)             |
| Total Depth of Boring          |                                  | <u>220</u> Feet                            |
| Total Depth of Completed Well  |                                  | <u>220</u> Feet                            |

| Well Owner      |   |
|-----------------|---|
| Name            | <u>Joe STABLING</u>                                 |
| Mailing Address | <u>PO Box 167</u>                                   |
| City            | <u>Whitethorne</u> State <u>CA</u> Zip <u>95589</u> |
| Well Location   |   |
| Address         | <u>575 EUBANKS RD</u>                               |
| City            | <u>Whitethorne</u> County _____                     |
| Latitude        | _____ N Longitude _____ W                           |
| Datum           | Dec. Lat. _____ Dec. Long. _____                    |
| APN Book        | Page _____ Parcel <u>220-081-012</u>                |
| Township        | Range _____ Section _____                           |

| Location Sketch                                       |  |
|---|--|
| (Sketch must be drawn by hand after form is printed.) |  |
| North   |  |
| West  |  |
| East  |  |
| South   |  |

Illustrate or describe the distance of well from roads, buildings, fences, rivers, etc. and attach a map. Use additional paper if necessary. Please be accurate and complete.

| Activity  |                     |
|---|---------------------|
| <input checked="" type="radio"/>                      | New Well            |
| <input type="radio"/>                                 | Modification/Repair |
| <input type="radio"/>                                 | Deepen              |
| <input type="radio"/>                                 | Other               |
| <input type="radio"/>                                 | Destroy             |
| Describe procedure and materials under "GEOLOGIC LOG" |                     |
| Planned Uses  |                     |
| <input type="radio"/>                                 | Water Supply        |
| <input checked="" type="checkbox"/>                   | Domestic            |
| <input type="checkbox"/>                              | Public              |
| <input type="checkbox"/>                              | Irrigation          |
| <input type="checkbox"/>                              | Industrial          |
| <input type="radio"/>                                 | Cathodic Protection |
| <input type="radio"/>                                 | Dewatering          |
| <input type="radio"/>                                 | Heat Exchange       |
| <input type="radio"/>                                 | Injection           |
| <input type="radio"/>                                 | Monitoring          |
| <input type="radio"/>                                 | Remediation         |
| <input type="radio"/>                                 | Sparging            |
| <input type="radio"/>                                 | Test Well           |
| <input type="radio"/>                                 | Vapor Extraction    |
| <input type="radio"/>                                 | Other               |

| Water Level and Yield of Completed Well                 |            |                      |                              |
|---|------------|----------------------|------------------------------|
| Depth to first water                                    | <u>120</u> | (Feet below surface) |                              |
| Depth to Static   |            |                      |                              |
| Water Level   | <u>120</u> | (Feet)               | Date Measured <u>7-16-17</u> |
| Estimated Yield *                                       | <u>6</u>   | (GPM)                | Test Type <u>AIR LIFT</u>    |
| Test Length   | <u>1</u>   | (Hours)              | Total Drawdown _____ (Feet)  |
| *May not be representative of a well's long term yield. |            |                      |                              |

| Casings            |                   |      |          |                |                  |             |                 |                    | Annular Material |                |  |
|--------------------|-------------------|------|----------|----------------|------------------|-------------|-----------------|--------------------|------------------|----------------|--|
| Depth from Surface | Borehole Diameter | Type | Material | Well Thickness | Outside Diameter | Screen Type | Slot Size       | Depth from Surface | Fill             | Description    |  |
| Feet to Feet       | (Inches)          |      |          | (Inches)       | (Inches)         |             | If Any (Inches) | Feet to Feet       |                  |                |  |
| 0                  | 120               | 9    | E480 PVC | 160            | 5                | BLANK       |                 | 0                  | 20               | Bentonite      |  |
| 120                | 220               | 11   | PVC      | 11             | 11               |             | 1030            | 0                  | 220              | 3/8 pea gravel |  |

| Attachments              |                              |
|--------------------------|------------------------------|
| <input type="checkbox"/> | Geologic Log                 |
| <input type="checkbox"/> | Well Construction Diagram    |
| <input type="checkbox"/> | Geophysical Log(s)           |
| <input type="checkbox"/> | Soil/Water Chemical Analyses |
| <input type="checkbox"/> | Other _____                  |

| Certification Statement  |  |             |                                    |
|--|--|-------------|------------------------------------|
| I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief |  |             |                                    |
| Name   | <u>Richard Engraves</u>                  | City        | <u>Garberville</u> CA <u>95542</u> |
| Address  | <u>649 Eubanks Rd</u>                    | State       | <u>CA</u> Zip <u>95542</u>         |
| Signed   | <u>[Signature]</u>                       | Date Signed | <u>8-3-17</u>                      |
|  | <u>67 Licensed Water Well Contractor</u> |             | <u>403708</u>                      |
|  |  |             | C-57 License Number                |

DWR 108 REV. 12/05

IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

Reset Form

\$ 373

RECEIVED

16/17-0859

WATER WELL APPLICATION

CONSTRUCTION – REPAIR – DESTRUCTION

MAR 10 2017

The Well Permit will be returned to the property owner when approved by Humboldt Co. Division of Environmental Health (DEH)

Instructions:

1. Complete pages 1 and 2 of the application and submit the required fee with the Well Permit application, including Well Driller's signature and property owner's signature.
2. Work on the well shall not be started prior to approval of the Well Permit Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. DEH shall be notified by the Well Driller a minimum of 24 hours prior to sealing the annular space.

|   |   |   |                        |
|---|---|---|------------------------|
| Site Address  | <u>Eubanks Road</u>   | APN   | <u>220-171-002-000</u> |
| City/State/Zip  | <u>Whitethorn CA 95589</u>  | CA  |                        |
| Directions to Site  | <u>Stay left on Eubanks road then second right after bulliten board</u> |   |                        |
| Applicant   | <u>Bushnell ENTERPRISES</u>   | Contact   | <u>George</u>          |
| Mailing Address   | <u>649 Bearcreek rd</u>   | Work Phone  | <u>(707) 923-2104</u>  |
| City/State/Zip  | <u>Garberville, CA. 95542</u>   | Cell Phone  | <u>(707) 498-3437</u>  |
| Property Owner  | <u>Joseph E. Stafslie</u>   | Home Phone  | <u>707 498-8717</u>    |
| Mailing Address   | <u>P.O. Box 167</u>   | Work Phone  | <u>707 986 7545</u>    |
| City/State/Zip  | <u>Whitethorn CA 95589</u>  | Cell Phone  |                        |
| I hereby grant 'right-of-entry' for inspection purposes   |   | <u>X [Signature]</u>  |                        |
| Drilling  |   | C-57  |                        |
| Contractor  | <u>George Bushnell</u>  | License #   | <u>403708</u>          |
| I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 15 days after completion of work, I will furnish DEH a report of the work performed. |   |   |                        |
| Well Driller Signature:   | <u>[Signature]</u>  |   |                        |
| Would driller like a copy of approved application?  |   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |                        |
| <input type="checkbox"/> U.S. Mail address:   | <u>649 BearCreek rd Garb, CA. 95542</u>                                 |   |                        |
| <input type="checkbox"/> Email address:   |   |   |                        |
| Type of Application:  | Construction:   | Intended Use:   |                        |
| <input checked="" type="checkbox"/> Construction  | Estimated Depth (ft.)   | <input checked="" type="checkbox"/> Domestic - private              |                        |
| <input type="checkbox"/> Destruction  | Diameter (in.)  | <input type="checkbox"/> Community Supply                           |                        |
| <input type="checkbox"/> Repair/Modification  | Depth of Seal (ft.)   | <input type="checkbox"/> Irrigation                                 |                        |
|   | Sealing Material  | <input type="checkbox"/> Other _____                                |                        |
|   | <u>200'</u>   |   |                        |
|   | <u>9"</u>   |   |                        |
|   | <u>20'</u>  |   |                        |
|   | <u>Bentonite</u>  |   |                        |

Estimated Work Dates:

Start 5-17

Completion 5-17

Casing:

Diameter (in.) 5"

Material PVC

Type of Sewage System:

Community Sewer

OWTS (Septic)

Distance from/well site to OWTS None

Special Requirements/Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLOT PLAN**

APN 220-171-002

Well X

~~from site~~

drive way

**FOR OFFICE USE ONLY**

✓ #1008

Fee: \$373.00

Date: 3-13-17

Receipt: 216013

Project #: 16/17-0859

Site Approved by: [Signature]

Site Finaled Date: 3/23/17

Sealed to Depth of: \_\_\_\_\_

Seal observed:  Yes  No

Final Approved Date: \_\_\_\_\_

pd For by Joseph Sato Fslie

**TRIPPLICATE**  
**Owner's Copy**

STATE OF CALIFORNIA  
**WELL COMPLETION REPORT**  
Refer to Instruction Pamphlet

DWR USE ONLY — DO NOT FILL IN

STATE WELL NO./STATION NO.

LATITUDE LONGITUDE

APN/TRS/OTHER

Page 1 of 1  
 Owner's Well No. 1  
 Date Work Began April 15, 17, Ended 4-15-17  
 Local Permit Agency Humboldt  
 Permit No. 16/17 0859 Permit Date March 10, 17

No. **1087874**

| DEPTH FROM SURFACE |        | DESCRIPTION<br><i>Describe material, grain size, color, etc.</i> |
|--------------------|--------|--|
| Ft.                | to Ft. |  |
| 0                  | 10     | 100 Soil   |
| 10                 | 30     | 50% Ben Rock   |
| 30                 | 80     | 3/4 Shales   |
| 80                 | 120    | Hard grey Shale  |
| 120                | 140    | 3/4 Shale  |

**WELL OWNER**

Name Joe Staafsten  
 Mailing Address PO Box 167  
 City Phantom CA STATE 95589 ZIP 95589

**WELL LOCATION**

Address 575 LAKES RD  
 City Phantom CA  
 County Humboldt  
 APN Book 220 Page 171 Parcel 002  
 Township 8 Range 9 Section 9  
 Lat 41° 10' 00" N Long 124° 00' 00" W

**LOCATION SKETCH**

NORTH

WEST EAST

SOUTH

Illustrate or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc. and attach a map. Use additional paper if necessary. **PLEASE BE ACCURATE & COMPLETE.**

**ACTIVITY (✓)**

NEW WELL  
 MODIFICATION/REPAIR  
 Deepen  
 Other (Specify) \_\_\_\_\_

DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")

**USES (✓)**

**WATER SUPPLY**  
 Domestic  Public  
 Irrigation  Industrial

MONITORING  
 TEST WELL  
 CATHODIC PROTECTION  
 HEAT EXCHANGE  
 DIRECT PUSH  
 INJECTION  
 VAPOR EXTRACTION  
 SPARGING  
 REMEDIATION  
 OTHER (SPECIFY) \_\_\_\_\_

**WATER LEVEL & YIELD OF COMPLETED WELL**

DEPTH TO FIRST WATER 120 (Ft.) BELOW SURFACE  
 DEPTH OF STATIC WATER LEVEL 118 (Ft.) & DATE MEASURED 4-15-17  
 ESTIMATED YIELD \* 8 (GPM) & TEST TYPE AIR LIFT  
 TEST LENGTH 1 (Hrs.) TOTAL DRAWDOWN \_\_\_\_\_ (Ft.)  
 \* May not be representative of a well's long-term yield.

| DEPTH FROM SURFACE<br>Ft. to Ft. | BORE-HOLE DIA.<br>(Inches) | CASING (S) |        |             |           |                  |                            | DEPTH FROM SURFACE<br>Ft. to Ft. | ANNULAR MATERIAL        |                           |      |  |         |
|----------------------------------|----------------------------|------------|--------|-------------|-----------|------------------|----------------------------|----------------------------------|-------------------------|---------------------------|------|--|---------|
|                                  |                            | TYPE (✓)   |        |             |           | MATERIAL / GRADE | INTERNAL DIAMETER (Inches) |                                  | GAUGE OR WALL THICKNESS | SLOT SIZE IF ANY (Inches) | TYPE |  |         |
|                                  |                            | BLANK      | SCREEN | CON. DUCTOR | FILL PIPE |                  |                            |                                  |                         |                           |      |  |         |
| 0 to 120                         | 9                          | ✓          |        |             |           | F 480            | 5"                         | Sch 160                          |                         |                           | ✓    |  |         |
| 120 to 140                       |                            | ✓          |        |             |           | "                | "                          | "                                | .032                    |                           |      |  | 3/8 Per |

**ATTACHMENTS (✓)**

Geologic Log  
 Well Construction Diagram  
 Geophysical Log(s)  
 Soil/Water Chemical Analyses  
 Other \_\_\_\_\_

ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

**CERTIFICATION STATEMENT**

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Bushnell Enterprises  
 (PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)  
 ADDRESS 649 Bearcreek Rd Garb CA 95542 CITY Garb STATE CA ZIP 95542  
 Signed \_\_\_\_\_ C-57 LICENSED WATER WELL CONTRACTOR DATE SIGNED 5-24-17 C-57 LICENSE NUMBER 42708

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Joseph Stafslieen APN: 220-171-002

Planning & Building Department Case/File No.: Apps #12444

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

From Road (Cross street): Eubanks Rd.

To Road (Cross street): Ettersburg-Honeydew Rd.

Length of road segment: 1.36 miles Date Inspected 06/2018

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

8/31/2018

Date

Derek Roelle

Name Printed



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Joseph Stafslie APN: 220-171-002

Planning & Building Department Case/File No.: Apps #12444

Road Name: Ettersburg-Honeydew Rd. (complete a separate form for each road)

From Road (Cross street): Ettersburg-Honeydew Rd.

To Road (Cross street): Briceland Thorne Rd.

Length of road segment: 0.65 miles Date Inspected 06/2018

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

Check one of the following:

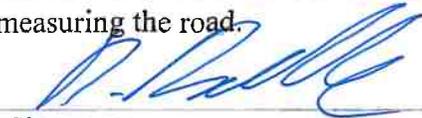
**Box 1**  The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

**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

8/24/2018

Date

Derek Roelle

Name Printed

Eubanks Farms, LLC, Joseph Stafislien  
APN: 220-171-002  
**Road Evaluation Report Map**  
APPS#12444



Eubanks Rd. (Category 4 Road equivalent)

Eitersburg-Honeydew Rd. (Category 4 Road equivalent)



220-171-002



Briceland-Thorne Rd  
(Maintained by County)

1000 FT

August 31, 2018

Humboldt County Department of Public Works

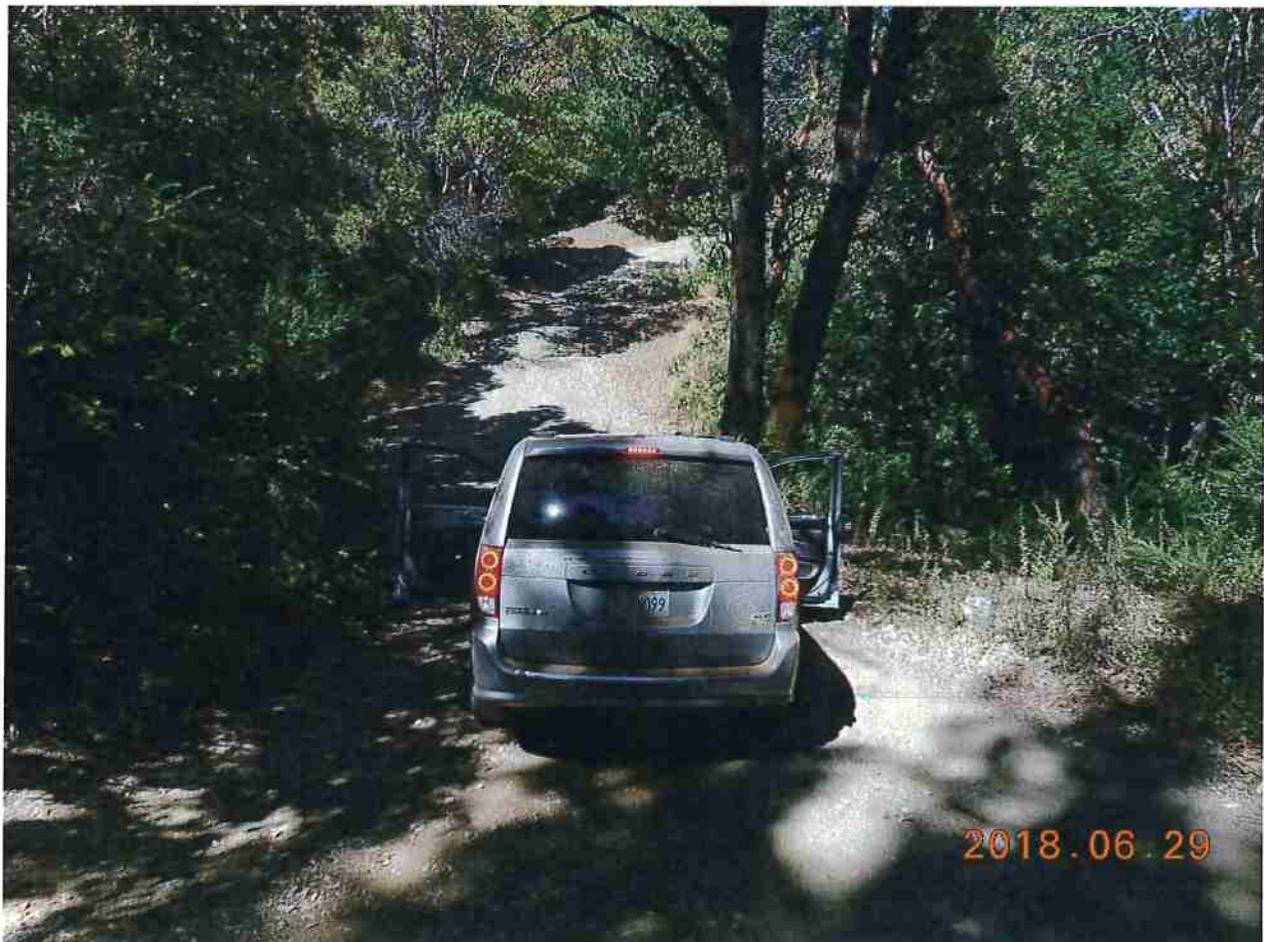
1106 Second Street

Eureka, CA 95501

Subject: Eubanks Farms, LLC – Humboldt County APN: 220-171-02

Road Evaluation Report photos

---



*Figure 1: RP 1 on Eubanks Rd.*



Figure 2: RP 2 on Eubanks Rd.



Figure 3: RP 3 on Eubanks Rd.



Figure 4: RP 4 on Eubanks Rd.



Figure 5: RP 5 on Eubanks Rd.



Figure 6: RP 6 on Eubanks Rd.

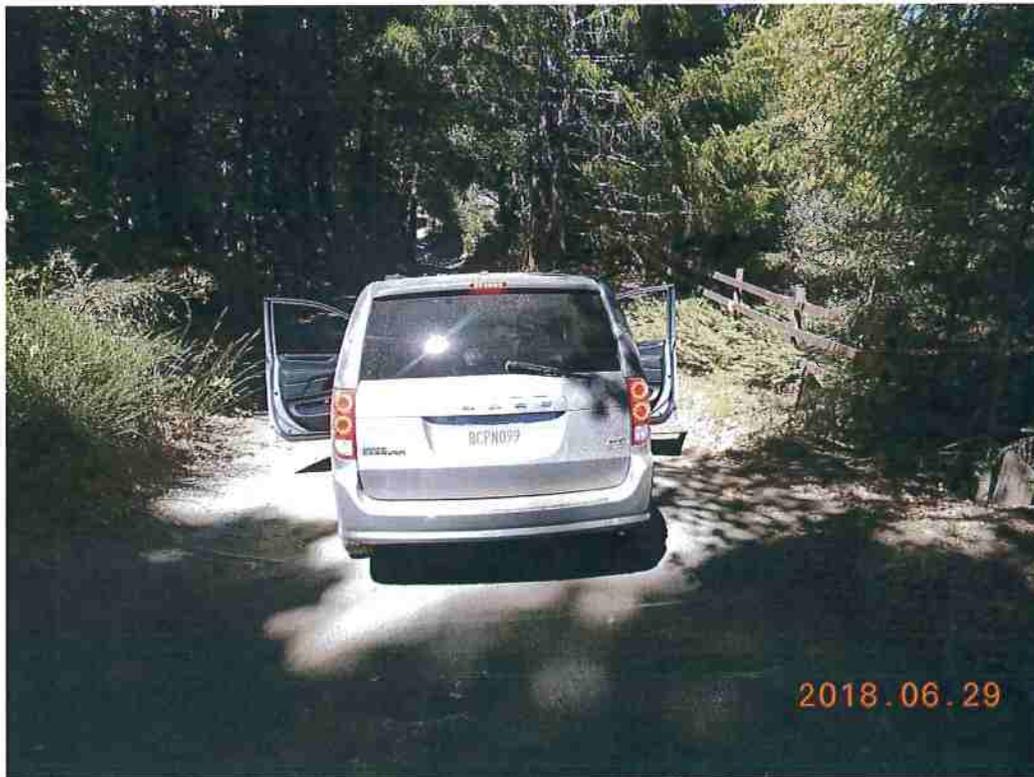


Figure 7: RP 7 on Eubanks Rd.



Figure 8: RP 8 on Eubanks Rd.



Figure 9: RP 9 on Eubanks Rd.



Figure 10: RP 10. Intersection of Eubanks Rd and Ettersburg-Honeydew Rd.

**ATTACHMENT 5**

**REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

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

| <b>Referral Agency</b>                          | <b>Response</b> | <b>Recommendation</b>          | <b>Location</b>       |
|---|-----------------|--------------------------------|-----------------------|
| Environmental Health Division                   | ✓               | Conditional Approval           | Attached              |
| Public Works Land Use Division                  | ✓               | Conditional Approval           | Attached              |
| CALFIRE   | ✓               | Other Comments                 | Attached              |
| Telegraph Ridge FPD                             | ✓               | Conditional Approval           | Attached              |
| CA Department of Fish & Wildlife                | ✓               | Conditional Approval           | Attached              |
| Building Inspection Division                    |                 |                                |                       |
| NWIC  | ✓               | Further Study                  | On file with Planning |
| Bear River Band Rohnerville Rancheria           | ✓               | Inadvertent Discovery Protocol | On file with Planning |
| Humboldt County Sheriff                         |                 |                                |                       |
| RWQCB   |                 |                                |                       |
| Humboldt County District Attorney               |                 |                                |                       |
| Humboldt County Agricultural Commissioner       |                 |                                |                       |
| Southern Humboldt Joint Unified School District |                 |                                |                       |
| Intertribal Sinkyone Wilderness Council         |                 |                                |                       |



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

DEH received  
9-6-17

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

17/18-0585

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkiyone Wilderness Council, Humboldt County Sheriff, Telegraph Ridge Fire Protection District, Southern Humboldt Joint Unified School District

**Applicant Name** Eubanks LLC **Key Parcel Number** 220-171-002-000

**Application (APPS#)** 12444 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-523

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

**DISTRIBUTED**  
3-9-18

**Comments:**

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

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



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 44



**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

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

DATE: 03-01-2018

RE:

|                |                     |
|----------------|---------------------|
| Applicant Name | EUBANKS LLC         |
| APN            | 220-171-002         |
| APPS#          | 12444      SPI6-523 |

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 # 12444

**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: C ETTERSBURG RD**

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"

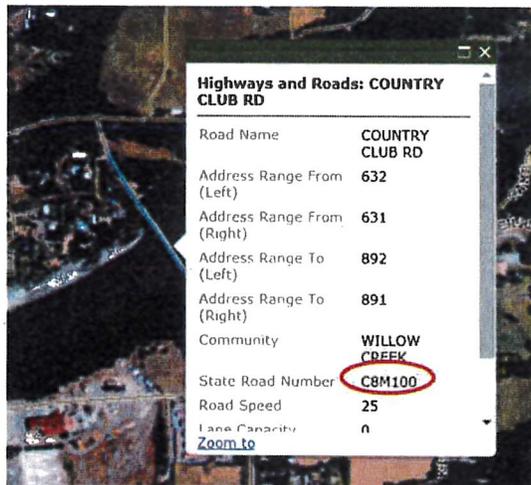
### Road Evaluation Reports

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.

| <b>"APPROVED LIST"</b>  |                    |  |
|---|--------------------|--|
| <b>List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects</b> |                    |  |
| <b>Road Name</b>  | <b>Road Number</b> | <b>Range meeting (or equivalent to) Road Category 4 standard</b>                                   |
| 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  |
| Eel Rock Road   | 7D010              | All  |
| Eighth Avenue   | 4N080              | 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   |
| Kneeland Road   | F6F060             | Freshwater Road to Mountain View Road  |
| 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  |
| 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  |

**Exhibit "D"**

**Road Evaluation Reports**

| 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   |
| 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: September 15, 2017

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

|   |   |
|---|---|
| <b>Attention:</b> Cannabis Planner (CPOD) | <b>Humboldt County Application #:</b> 12444 |
| <b>Applicant:</b> Eubanks, LLC            | <b>Type of Application:</b> Special Permit  |
| <b>APN:</b> 220-171-002-000               | <b>Date Received:</b> 9/7/2017              |
| <b>Area:</b> Briceland                    | <b>Due Date:</b> 9/21/2017                  |
| <b>Case Numbers:</b> SP16-523             | <b>APN 220-171-002-000</b>                  |

**Project Description:** A Special Permit for an existing 10,000 square feet cultivation site. Water is sourced from an existing well and supplemented by a surface diversion from a spring that flows to an unnamed tributary in Eubank Creek. The current total storage capacity for cultivation is 60,000 gallons, contained in 12 (5) 5,000 gallon plastic tanks. A third party licensed processor will take care of processing. Transportation will be handled by a third-party, contracted, licensed transporter/distributor. No employees mentioned. Power is provided by an existing 4,500 watt solar array and supplemented by a 12KW propane generator.

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

### **General:**

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert 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. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

### **State Responsibility Areas:**

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) 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. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. 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 marijuana and the extracting of oils  
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

## Zander, AnaCena

---

**From:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Sent:** Thursday, September 21, 2017 3:35 PM  
**To:** Planning Clerk  
**Subject:** FW: 220-171-002



Chris Ramey  
Battalion Chief, Fire Planning

### **CAL FIRE**

Humboldt-Del Norte Unit  
C: 707-599-6442  
Duty Days: Tues-Fri

---

**From:** Meyers, Tim@CALFIRE  
**Sent:** Thursday, September 14, 2017 11:29 AM  
**To:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Subject:** 220-171-002

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](mailto:tim.meyers@fire.ca.gov)

**Zander, AnaCena**

---

**From:** Lake, M. Isaac@CALFIRE <M.Lake@fire.ca.gov>  
**Sent:** Sunday, October 08, 2017 3:33 PM  
**To:** Planning Clerk; HUU CEQA@CALFIRE  
**Subject:** APN: 220-171-002-000 Eubanks, LLC



No additional comments from B-1211

*M. Isaac Lake*

Battalion Chief

**CAL FIRE**

**HUMBOLDT-DEL NORTE UNIT**

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

[MLake@fire.ca.gov](mailto:MLake@fire.ca.gov)



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

9/18 LC



9/6/2017

**PROJECT REFERRAL TO: Telegraph Ridge Fire Protection District**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Intertribal Sinkyone Wilderness Council, Humboldt County Sheriff, Telegraph Ridge Fire Protection District, Southern Humboldt Joint Unified School District

**Applicant Name** Eubanks LLC **Key Parcel Number** 220-171-002-000

**Application (APPS#)** 12444 **Assigned Planner ( )** - **Case Number(s)** SP16-523

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 9/21/2017**

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: Water storage insufficient for fire safety. Fire stand pipe.

DATE: 9/18

PRINT NAME: Laura Cochran



|  |  |                         |                    |
|--|--|-------------------------|--------------------|
| Applicant: Eubanks LLC                       |  | Date: 4/18/19           |                    |
| APPS No.: 12444                              | APN: 220-171-002-000   | DFW CEQA No.: 2017-0702 | Case No.: SP16-523 |
| <input checked="" type="checkbox"/> Existing | Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 10,000 |                         |                    |

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

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

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

**Please provide the following information prior to Project Approval:** *(All supplemental information requested shall be provided to the Department concurrently)*

- If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification
- Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
  - a. If the source is a well(s), provide a copy of the well completion log.
  - b. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- Aerial imagery and referral materials suggest that significant grading has taken place on the parcel. Please provide evidence of one or more of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.

- ☒ The Project is located within Northern Spotted Owl (*Strix occidentalis caurina*), a State- and Federally-Threatened species) potential habitat. If the use of a nursery that includes artificial light and generator power, CDFW requests that project scoping be conducted by an experienced qualified professional for the potential for presence/absence of NSO nesting/roosting habitat, prior to consideration of Project approval. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft.

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

- ☒ Water for this Project is sourced from a groundwater well. It is estimated that water use may be as high as 100,000 gallons per year. CDFW requests that the groundwater well be inspected to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test or similar procedure to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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