



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

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Hearing Date: May 5, 2022

To: Humboldt County Planning Commission

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

Subject: **MDRV Realty Holdings, LLC Conditional Use Permit & Special Permits**  
Record Number: PLN-11212-CUP  
Assessor's Parcel Numbers (APNs): 208-241-007  
Dinsmore/Mad River Area

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

## AGENDA ITEM TRANSMITTAL

<b>Hearing Date</b> May 5, 2022	<b>Subject</b> Conditional Use Permit & Special Permits	<b>Contact</b> Megan Acevedo
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**Project Description:** MDRV Realty Holdings, LLC seeks a Conditional Use Permit for 14,450 sf of existing outdoor & 3,600 sf of existing mixed-light cannabis cultivation with 1,480 sf of ancillary propagation area. The proposed project includes a Special Permit for the relocation of a historic cultivation outside of a streamside management area. Water for irrigation is provided by a spring diversion (POD 2 under Water Right Certificate H100730), and a Special Permit is being requested to approve the continued use and maintenance of the spring diversion. Annual water usage is estimated at 150,000 gallons (7.68 gal/sf/yr). There is a total of 110,000 gallons of existing water storage on-site and 43,000 additional water storage is proposed for a total of 153,000 gallons. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. Up to two (2) employees will be used on-site. Power is provided by one generator, and future solar is proposed. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (SRNF), to approximately 497 feet.

**Project Location:** The project is located in Humboldt County, in the Dinsmore/Mad River area, on the east side of Ridge Road, approximately 1.64 miles (208-241-007) and 2.5 miles (208-241-006) north from the intersection of County Line Creek Road and Ridge Road, on the property known to be 1655 Eight Mile Ridge Road, Mad River, CA.

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

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

**Record Number:** PLN-11212-CUP

**Assessor's Parcel Number:** 208-241-007

**Applicant**

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

**Owner**

DNA Realty Holdings, LLC  
175 West 60<sup>th</sup> St.  
New York, NY 10023

**Agents**

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

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

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

**Major Issues:** None

**Recommended Commission Action**

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

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

**Executive Summary:** MDRV Realty Holdings, LLC seeks a Conditional Use Permit for 14,450 sf of existing outdoor & 3,600 sf of existing mixed-light cannabis cultivation with 1,480 sf of ancillary propagation area. The proposed project includes a Special Permit for the relocation of a historic cultivation outside of a streamside management area. Water for irrigation is provided by a spring diversion (POD 2 under Water Right Certificate H100730), and a Special Permit is being requested to approve the continued use and maintenance of the spring diversion. Annual water usage is estimated at 150,000 gallons (7.68 gal/sf/yr). There is a total of 110,000 gallons of existing water storage on-site and 63,000 additional water storage is proposed. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (SRNF), to approximately 497 feet.

The project will consist of 3,600 sf of mixed-light cultivation, 6,400 sf of outdoor light-deprivation cultivation, 8,050 sf of full-sun outdoor cultivation, and 1,480 sf of ancillary propagation area. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. The applicant shall keep documentation of proof of third-party processing service, to be furnished during an annual inspection (**Ongoing Condition B.1**). Up to two employees will be used on-site. Power is provided by one generator, and future solar is proposed. The applicant utilizes portable toilets to serve on-site wastewater treatment system needs. The project was referred to the Department of Environmental Health (DEH) on April 26, 2019, and comments were received by the agency on April 30, 2019, recommending conditional approval for the project. The applicant shall provide receipts or other equivalent documentation annually to the Planning Division for proof of portable toilet service until the applicant has obtained proof of a permitted septic system on-site that meets the needs for the project (**Ongoing Condition B.2**).

The project was referred to the Building Division on April 26, 2019, and a site inspection was conducted on June 14, 2019. Comments from the Building Division included to submit a revised Site Plan and obtain the necessary building permits for all structures and grading associated to cannabis activities on-site. A revised Site Plan has been submitted. There are a total of two (2) mixed-light greenhouses, four (4) light-deprivation greenhouses without the use of supplemental lights, one (1) ancillary propagation greenhouse, two (2) harvest storage sheds, two (2) generator sheds, and five (5) storage sheds. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, and historic grading activities association with the cultivation area (**Condition A.6 & A.7**).

**Energy**

The applicant currently utilizes two (2) generators on-site, which are housed within generator sheds, and the applicant plans to transition to on-site solar power. The project is conditioned to provide all power from 100% renewable energy source by the 2026 cultivation season, and the applicant shall submit an energy plan show how all power will be provided by renewable energy sources (**Condition A.8**). The applicant shall submit an updated Site Plan to show the proposed location for the solar array, and shall permit the proposed solar system with the Building Division by 2026 (**Condition A.9**). Once the project

transitions to full renewable energy source, one (1) generator will be kept on-site for emergency back-up purposes only.

### **Setbacks**

The project is located within 600 feet of public lands, the Six Rivers National Forest (SRNF). The nearest cultivation area is located approximately 497 feet to the SRNF boundary, and the applicant is requesting a Special Permit to allow a setback reduction to public lands. The project was referred to the US Forest Service on April 26, 2019, and no comments were received. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related public facilities.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife by adhering to International Dark Sky Standard, reducing light and noise impacts, and transitioning to 100% renewable energy source.

### **Timber Conversion**

The site contains timber conversion, and the applicant had a Timber Conversion Report (TCR) prepared by Blair Forestry Consulting, dated January 13, 2018. The TCR was combined for the two (2) adjacent parcels owned and operated by the applicant, and estimates that a total of 1.15 acres of timber conversion occurred in total on both parcels. The TCR recommends that the applicant address road surface points on roads leading to conversion sites and watercourse crossings at SC #8 SC #9 & SC #10, and to treat slash and woody debris around Conversion Area A and B (**Condition A.10**). The project and TCR was referred to CalFire on April 26, 2019, and the agency replied stating that they had no comments on the proposed project.

### **Water Resources**

The project will source water from an on-site spring diversion, POD2 under Water Right Certificate H100251 & H100730. The project was referred to the State Water Board Division of Water Rights on April 26, 2019, and comments were received on April 30, 2019, recommending approval for the project under Water Right Certificate H100251. Water Right Certificate H100251, dated 8/27/2018, lists the previous applicant as the Right Holder. An updated Water Right Certificate H100730, dated 11/25/2019, lists the Right Holder as the current property owner, adds the on-stream pond (which will be used for fire suppression only), and increases the overall water allowed to be diverted under the Water Right. The Water Right is shared with the adjacent parcel (application PLN-11214-SP), which will only utilize POD 1 in the Water Right Certificate, and all water sources are separate for the adjacent projects. Water Right Certificate H100730 allows for the annual diversion of up to 0.94 acre-feet (306,300 gallons), which is a sufficient amount of water for the purpose and use on APN's: 208-241-006 & 208-241-007 (which are estimated to use a total of 200,000 gallons of water annually). The applicant shall adhere to the terms and restrictions in the Water Right Certificate H100730, or subsequent Water Right, such as forbearance and diversion rate requirements (**Ongoing Condition B.3**). Estimated annual water needed for irrigation on-site is approximately 150,000 gallons (7.68 gal/sf/yr). A total of 110,000 gallons of water storage exists on-site in twenty-five (25) hard tanks, and one (1) 20,000 gallon bladder. There are two (2) additional 20,000 gallon water bladders located on the adjacent parcel to the north (APN: 208-241-006) which are temporarily designated as water storage used for the subject parcel 208-241-007, increasing the total water storage designated for the project to 150,000 gallons. In the event that one of the parcels is conveyed to a different owner, the applicant shall either discontinue the use of the bladders on the adjacent parcel or shall obtain an easement for the access and use of the bladders located on APN: 208-241-006 (**Condition A.11**). All water bladders will be decommissioned within two years of the approval date, and an additional 63,000 gallons of water storage is proposed for a total of 153,000 gallons of water storage on-site designated for irrigation needs. The applicant shall remove the 20,000 gallon water bladder, and shall add 63,000 gallons of additional water storage in hard tanks within two years from the projects approval date. (**Condition A.12**). The applicant shall also install a water monitoring device to monitor the water diverted from POD 2 and use for irrigation. (**Condition A.13**)

The site was historically enrolled in the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023, under WDID: 1B161267CHUM. There was historic cultivation area found to be within a streamside management area (SMA) on-site, and this application includes a Special Permit for the relocation of historic cultivation and restoration of the SMA. The applicant has obtained a Restoration Plan for the historic cultivation area, prepared by Emerald Hills Environmental dated August, 31, 2018. The Restoration Plan describes that the cultivation area was removed from the SMA in 2017, and relocated to an environmentally superior location on-site, and states that the historic cultivation site has become vegetated by local grasses but the soils were largely loose and consolidated. Restoration activities include removal of the sidecast berm features, fill and compacting the "divots", and contouring the surface so that surface water will spread evenly over the ground surface without forming channels or ponds. The applicant shall submit the Restoration Plan to the California Department of Fish & Wildlife (CDFW) and obtain approval for the instream restoration work through a Lake or Streambed Alteration Agreement. The applicant shall submit a copy of the final approved Restoration Plan and Streambed Alteration Agreement with CDFW to the Planning Division, and shall adhere to the work described in the final Agreement and Restoration Plan (**Condition A.14**).

The applicant has also enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ, as a Tier 2 Low Risk site. A Notice of Applicability letter dated December 26, 2019, was submitted as proof of enrollment under WDID: 1\_12CC417973. The applicant has had a Site Management Plan (SMP) prepared by Mother Earth Engineering, to show mitigation measures required for the project to meet Water Board standards, received December 8, 2021. The SMP was prepared for both adjacent parcels APN's: 208-241-006 & 208-241-007, and lists Best Practicable Treatment or Controls (BPTC) for the project. The applicant shall adhere to the recommendations and BPTC's listed in the SMP (**Ongoing Condition B.4**).

The applicant has obtained a Streambed Alteration Agreement (SAA No. EPIMS-HUM-15839-R1) with the California Department of Fish & Wildlife (CDFW) for all in-stream work associated with the project. The SAA includes work associated with the spring diversion, the on-stream pond used for fire suppression only, and six (6) stream crossing upgrades. The applicant is conditioned to abide by and adhere to the terms, project description and work outlined within the final signed SAA No. EPIMS-HUM-15839-R1 with CDFW (**Ongoing Condition B.5**).

#### **Fire Hazard**

The project is located in an area designated to have high fire hazard severity, and is within the Ruth Lake Community Services District (RLCSD) for fire response. The project was referred to the RLCSD on April 26, 2019, and no comments were received from the agency. There is ample room on-site for a firetruck turnaround, and there is an on-stream pond on-site designated for fire suppression needs only.

#### **Biological Resources**

The project is located approximately 0.85 miles to the nearest known Northern Spotted Owl (NSO) activity center, and no rare or endangered species are shown on or near the subject parcel in the California Natural Diversity Database (CNDDDB). The applicant has enrolled in the SWRCB's Order No. 2019-001-DWQ for waiver of waste discharge, all cultivation areas are located outside of any streamside management areas on-site, and the applicant plans to add a future solar system on-site. As the site is pre-existing, and there is no new development proposed, the applicant was not required to provide a Biological Report for the project. The applicant is required to comply with International Dark Sky Standards, and shall not allow any light to escape from mixed-light or nursery greenhouses from dusk to dawn, and shall ensure that all noise levels do not go above 50 decibels at any tree line or 100 feet when noise generating equipment are in use (**Ongoing Conditions B.6 & B.7**).

#### **Tribal Cultural Resource Coordination**

The project is located in the Bear River Band Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), and the Bear River Band Tribe on April 26, 2019. The NWIC replied on May 6, 2019, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on July 12, 2019

requesting a Cultural Resource Survey (CRS) for the project. The applicant has obtained a CRS for the project site, which was prepared by Dimitra Zalarvis-Chase, M.A., RPA, with DZC Archaeology & Cultural Resource Management, dated December 2019. The CRS states that the archaeological survey was negative for cultural resources, and that there will be no adverse effects or changes to any historic resources on the project site. The applicant shall adhere to Inadvertent Discovery Protocols, as requested by the Bear River Band THPO on December 29, 2021 (**Informational Note 3**).

### **Access**

Access to the site is from Eight Mile Ridge Road, from County Line Creek Road, from State Hwy 36. Both Eight Mile Ridge Road and County Line Creek Road are non-county maintained roads off of Hwy 36. The applicant has submitted a Road Evaluation Report (RER) form for the access route from Hwy 36, (calling Eight Mile Ridge Road as Ridge Road, and County Line Creek Road as Salyer Mad River Road, named as such on Google Earth) which includes photos and a route map showing photo locations taken at pinch point areas on the road. The RER designates the private access roads as being developed to the equivalent of a category 4 standard, and states that the roads are adequate for the proposed use without further review from the applicant. All approved projects off of the access road will be required to have a Road Maintenance Association developed and will be required to maintain the road through the County's post-approval monitoring team. The project was referred to the Department of Public Works on April 26, 2019, and comments were received on April 29, 2019. Comments from Public Works stated that the access route is from a series of non-county maintained roads that connect directly to State Hwy 36, and recommended that the project be referred to CalTrans. The project was referred to CalTrans on July 18, 2019, and no comments were received by the agency.

### **Public Comment**

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

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

The applicant does have a Streambed Alteration Agreement (SAA No. EPIMS-HUM-15838-R1) with CDFW allowing the use of the spring located on the Six Rivers National Forest APN: 208-241-005, to be used for domestic purposes only on APN's: 208-241-006 & 208-241-007. There is also an appropriated Water Right (D030916) which expired on July 1, 2014, and the applicant has submitted a request to renew the Water Right for the use of domestic purposes on APN's: 208-241-006 & 208-241-007. The applicant shall be

informed that the spring diversion on Six Rivers National Forest is not allowed for the use of cannabis irrigation (**Informational Note 4**).

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

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

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

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

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

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

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

**Resolution Number 22-**

**Record Number PLN-11212-CUP**

**Assessor's Parcel Numbers: 208-241-007**

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

**WHEREAS, MDRV Realty Holdings, LLC**, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 14,450 square feet of outdoor commercial cannabis cultivation, 3,600 square feet of mixed-light commercial cannabis cultivation, 1,480 square feet of ancillary propagation space, and drying activities; and a Special Permit for the approval of the continued use and maintenance of a spring diversion on-site; and a Special Permit for the restoration work within a streamside management area; and

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

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on **May 5, 2022**, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                    **Project Description:** The application is a Conditional Use Permit for 14,450 sf of existing outdoor & 3,600 sf of existing mixed-light cannabis cultivation with 1,480 sf of ancillary propagation area. The proposed project includes a Special Permit for the relocation of a historic cultivation outside of a streamside management area. Water for irrigation is provided by a spring diversion (POD 2 under Water Right Certificate H100730), and a Special Permit is being requested to approve the continued use and maintenance of the spring diversion. Annual water usage is estimated at 150,000 gallons (7.68 gal/sf/yr). There is a total of 110,000 gallons of existing water storage on-site and 43,000 additional water storage is proposed for a total of 153,000 gallons. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (SRNF), to approximately 497 feet.

**EVIDENCE:**                a) Project File: PLN-11212-CUP

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

**EVIDENCE:**                a) Addendum Prepared for the proposed project.



- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) Water Right Certificate H100730, allowing the right to divert and use water for irrigation from an on-site spring diversion (POD2).
- d) A Site Management Plan was prepared by Mother Earth Engineering, to address project compliance with the State Water Board Order WQ-2019-0001-DWQ.
- e) A Timber Conversion Report prepared by Blair Forestry Consulting, which evaluates a total of 1.15 acres of pre-2016 timber conversion on two adjacent parcels APN's: 208-241-006 & 208-241-007.
- f) A Streambed Alteration Agreement (SAA No. EPIMS-HUM-15839-R1) has been obtained with CDFW for instream work needed on-site. The project is conditioned to obtain an approved Restoration Plan from CDFW for the restoration work within a streamside management area.
- g) The project is within the Bear River Band tribes' ancestral aboriginal territories. The project was referred to the Bear River Band THPO on April 25, 2019. The applicant has obtained a Cultural Resource Survey (CRS) for the project site, which was prepared by Dimitra Zalarvis-Chase, M.A., RPA, with DZC Archaeology & Cultural Resource Management, dated December 2019. The CRS states that the archaeological survey was negative for cultural resources, and that there will be no adverse effects or changes to any historic resources on the project site. The project is conditioned to adhere to inadvertent discovery protocols.
- h) A Road Evaluation Report (RER) was prepared for the access route to the project site from Hwy 36, which includes photos and a route map showing photo locations taken at pinch point areas on the road. The RER designates the access roads County Line Creek Road and Salyer Mad River Road (shown as Eight Mile Ridge Road on the County GIS) as being developed to the equivalent of a category 4 standard, and it has been determined that the access route meets the functional capacity for the project's needs.

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

#### **3. FINDING**

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

#### **EVIDENCE**

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The existing cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes. The project is consistent with, and complimentary to, the Open Space Plan and its Open Space Action Program.
- b) The applicant is applying for a Special Permit to allow the continued use of an on-site spring diversion (POD2) for agricultural purposes under Water Right Certificate H100730.
- c) The applicant is applying for a Special Permit to approve the restoration work within a streamside management area on-site.

- 4. FINDING** The proposed development is consistent with the purposes of the existing FR zone in which the site is located.
- EVIDENCE**
- a) The Forest Recreation or FR Zone is intended to be applied to areas of the County in which general agriculture is a desirable use.
  - b) All general agricultural uses are principally permitted in the FR zone.
  - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel zoned FR over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 14,450 square feet of outdoor and 3,600 square feet of mixed-light cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
  - b) The subject parcel has been determined to be one legal parcel (lot 132) as shown on Record of Survey in Book 26 of Surveys page 135.
  - c) The project will obtain water from a permitted diversionary water source for pre-existing cannabis cultivation under Water Right Certificate H100730.
  - d) A Road Evaluation Report (RER) was prepared for the access route to the project site from Hwy 36, which includes photos and a route map showing photo locations taken at pinch point areas on the road. The RER designates the access roads County Line Creek Road and Salyer Mad River Road (shown as Eight Mile Ridge Road on the County GIS) as being developed to the equivalent of a category 4 standard, and it has been determined that the access route meets the functional capacity for the project's needs.
  - e) A Timber Conversion Report prepared by Blair Forestry Consulting, which evaluates a total of 1.15 acres of pre-2016 timber conversion on two adjacent parcels APN's: 208-241-006 & 208-241-007.
  - f) A Notice of Applicability letter for proof of enrollment in the State Water Resources Control Board's General Order WQ 2019-0001-DWQ as a Tier 2 Low Risk site, under WDID: 1\_12CC417973. A Site Management Plan was prepared by Mother Earth Engineering, to address project compliance with the State Water Board Order WQ-2019-0001-DWQ.
  - g) The project is located within 600 feet of public lands, the Six Rivers National Forest (SRNF). The nearest proposed cultivation area is located approximately 497 feet to the SRNF boundary, and the applicant is requesting a Special Permit to allow a setback reduction to public lands. The project was referred to the SRNF on April 25, 2019, and no comments were received. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related public facilities.

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

**6. FINDING**

The cultivation of 14,450 square feet of outdoor and 3,600 square feet of mixed-light cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

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

**7. FINDING**

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

**EVIDENCE**

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

**8. FINDING**

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

**EVIDENCE**

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

**DECISION**

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

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

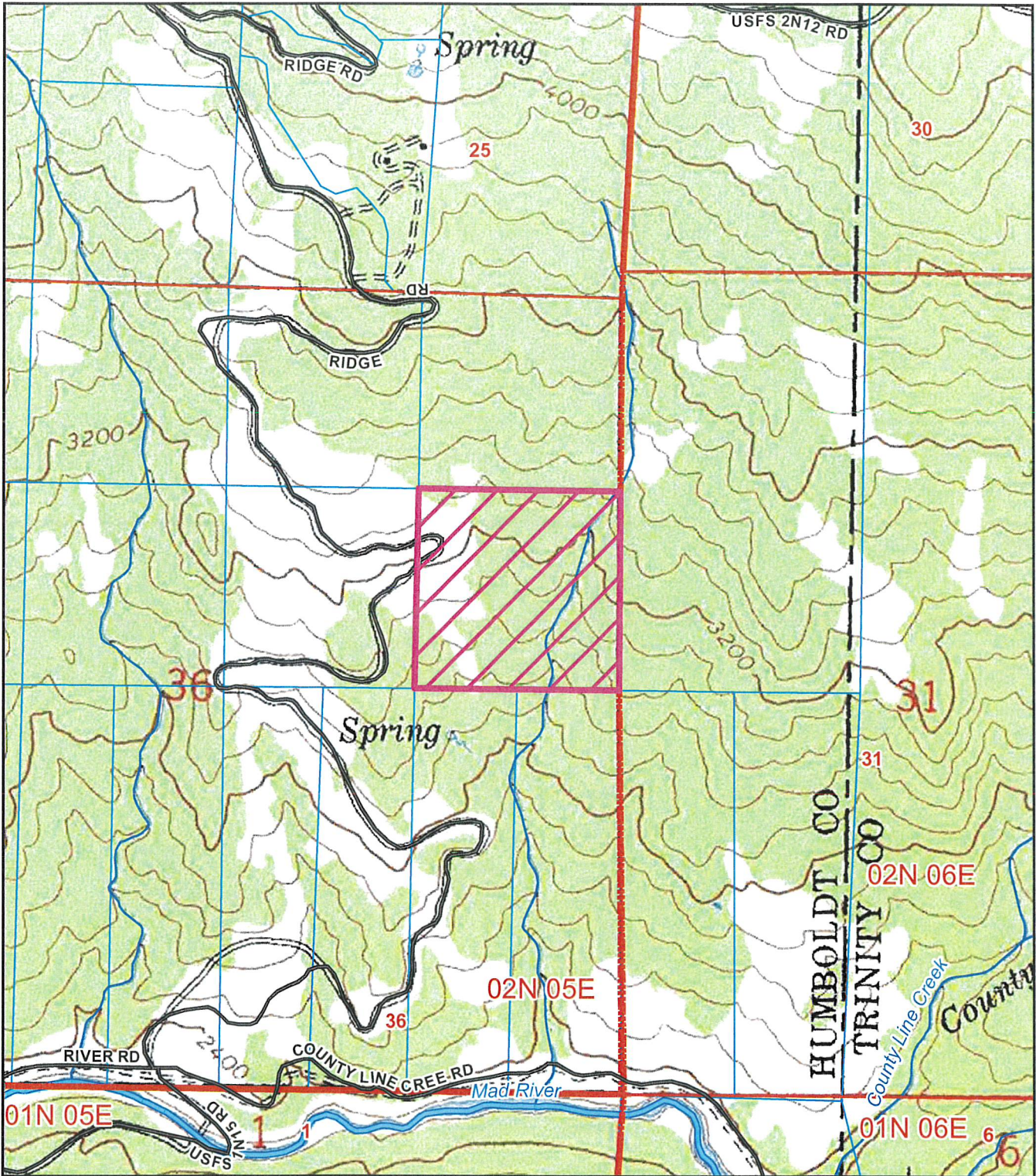
Adopted after review and consideration of all the evidence on **May 5, 2022**.

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

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

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

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

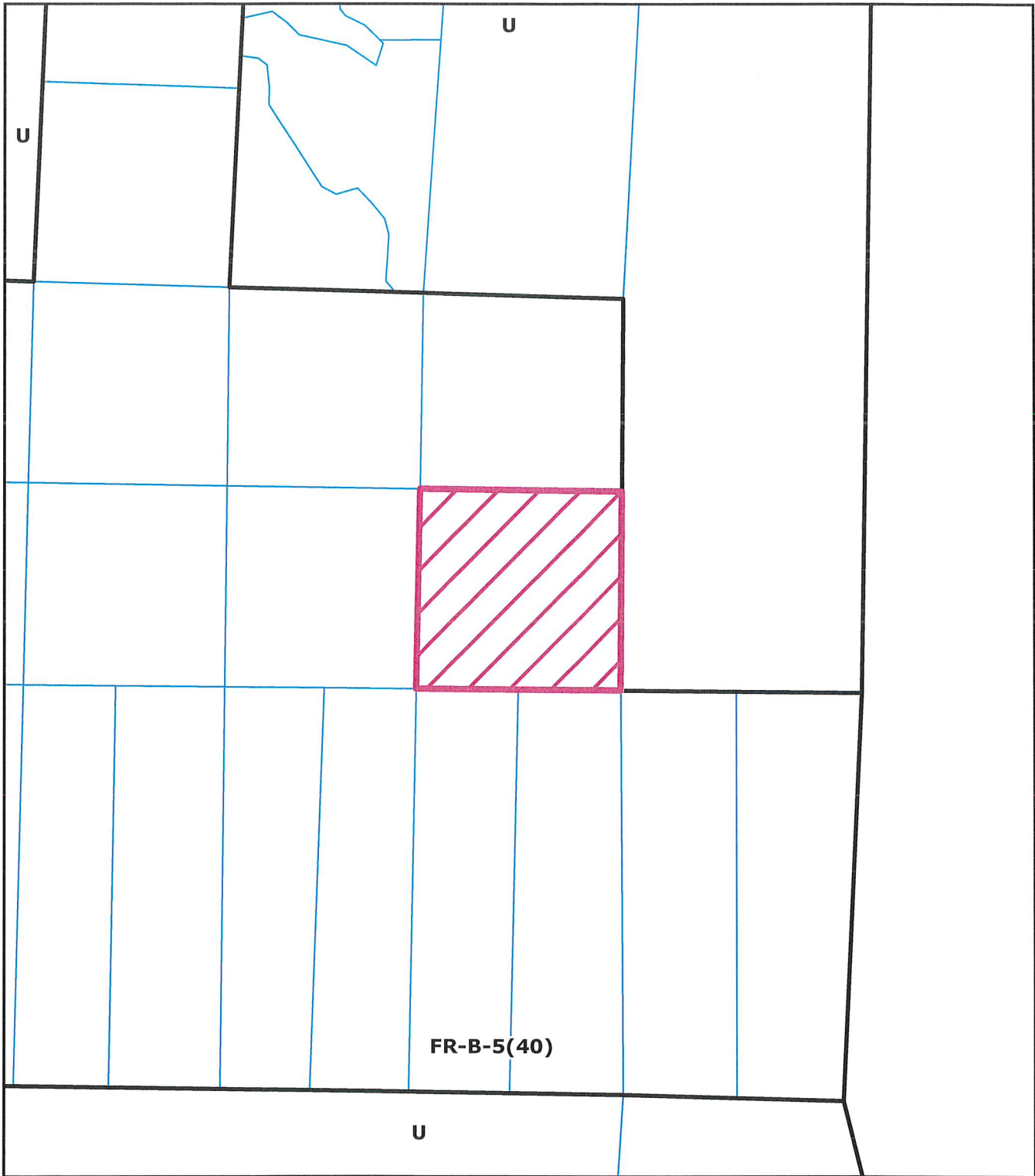


**TOPO MAP  
PROPOSED BRIAN SOUTHARD  
MAD RIVER AREA  
CUP-16-183  
APN: 208-241-007-000; ET AL.  
T02N R05E S36 HB&M (BLAKE MOUNTAIN)**

Project Area =

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

0 1,000 2,000 Feet

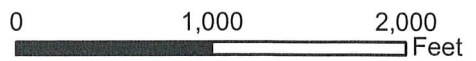


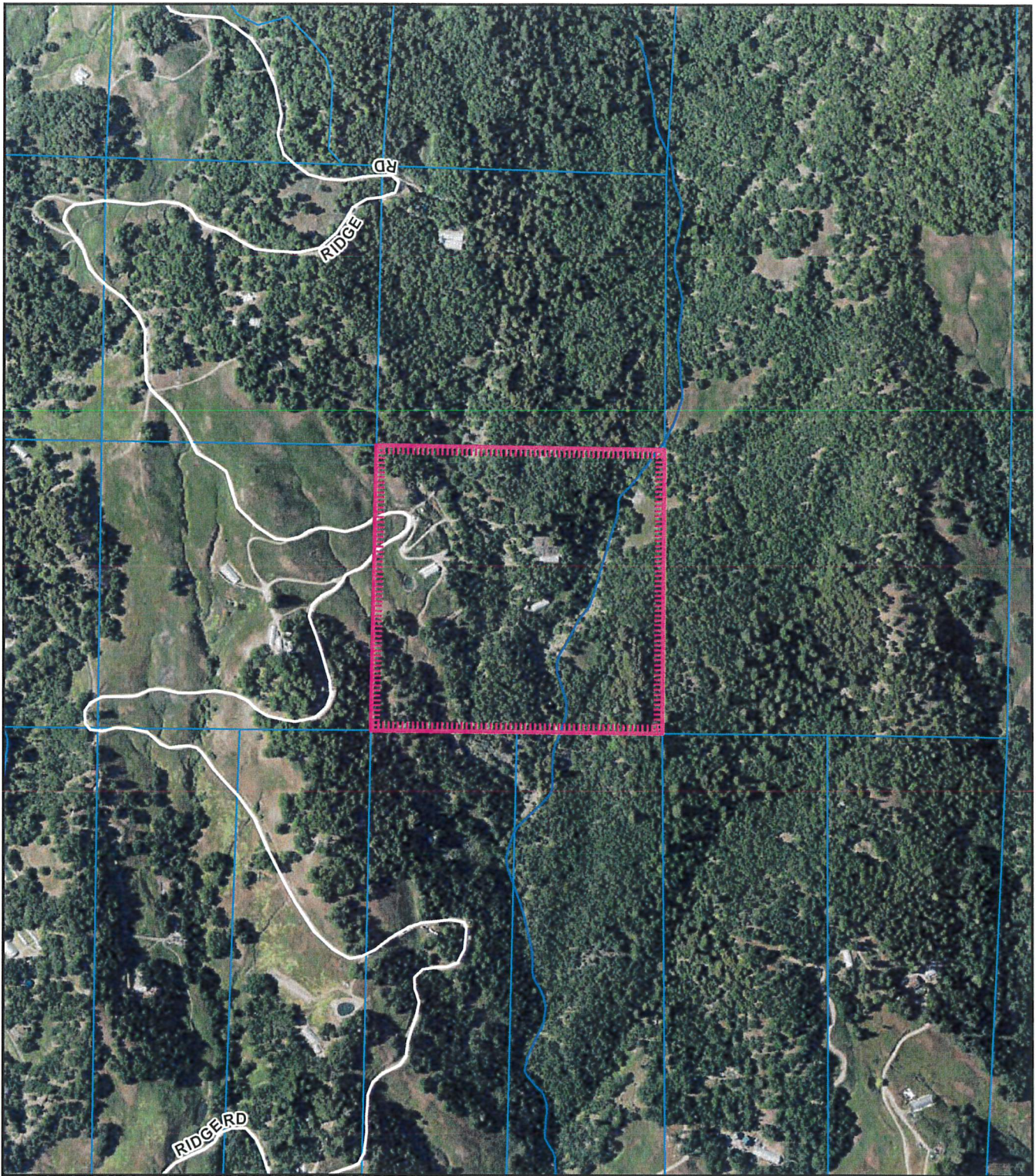
Project Area = 

**ZONING MAP  
 PROPOSED BRIAN SOUTHARD  
 MAD RIVER AREA  
 CUP-16-183  
 APN: 208-241-007-000; ET AL.  
 T02N R05E S36 HB&M (BLAKE MOUNTAIN)**



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





**AERIAL MAP  
PROPOSED BRIAN SOUTHARD  
MAD RIVER AREA  
CUP-16-183**


**APN: 208-241-007-000; ET AL.  
T02N R05E S36 HB&M (BLAKE MOUNTAIN)**

Project Area = 



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

0 800 1,600 Feet



X:\Projects\Moho\_HU\12156\CAD\CULTIVATION MAP\FOR-21-007\6-CUP\_recover.dwg - 3:54 PM - GRC

# VICINITY MAP

1:10,000



IMAGE SOURCE: BING 2020

### PROJECT DIRECTIONS

- FROM: FORTUNA, CA
- HEAD SOUTH ON US-101 (1.1 MI)
- TAKE EXIT 685 FOR CA-36 E (0.3 MI)
- TURN LEFT ONTO CA-36 E(48.2 MI)
- TAKE COUNTY LINE CREEK RD TO RIDGE RD IN HUMBOLDT COUNTY (7.8 MI)
- TURN LEFT ONTO US FRST SERVICE RD 1 (2 MI)
- TURN LEFT ONTO COUNTY LINE CREEK RD (4.2 MI)
- CONTINUE ONTO SALYER MAD RIVER RD (1.0 .I)
- TURN RIGHT ONTO RIDGE RD (2.3 MI)

### TRAVEL TIME

APPROXIMATELY: 1 H 20 MIN (58 MI)

### SHEET INDEX

- CP-COVER PAGE
- C1-PARCEL OVERVIEW

### PROJECT INFORMATION

LAT/LONG: 40.5149, -123.5526  
 APN: 208-241-007  
 APPLICANT: MDRV REALTY  
 PARCEL SIZE: ± 40 ACRES  
 ZONING: FR-B-5 (40)  
 APPLICATION TYPE:

COASTAL ZONE: N  
 100-YEAR FLOOD: N

### AGENT:

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

# MDRV REALTY, LLC

APN: 208-241-007

# AERIAL MAP

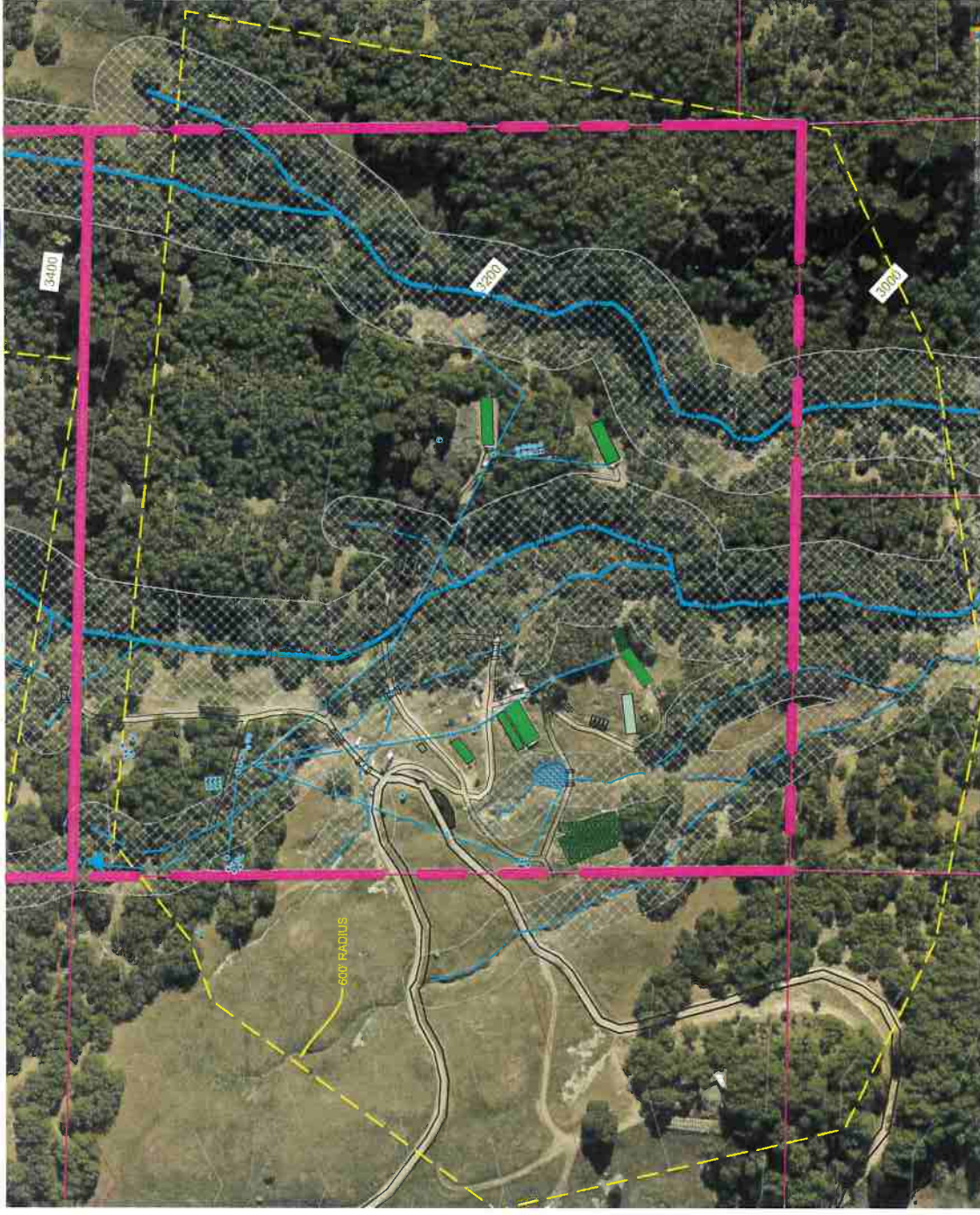


IMAGE SOURCE: BING 2020



## PROJECT INFORMATION

PROPERTY OWNER: MDRV REALTY, LLC  
 ADDRESS: APN: 208-241-007  
 SHEET INFO: COVER PAGE

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

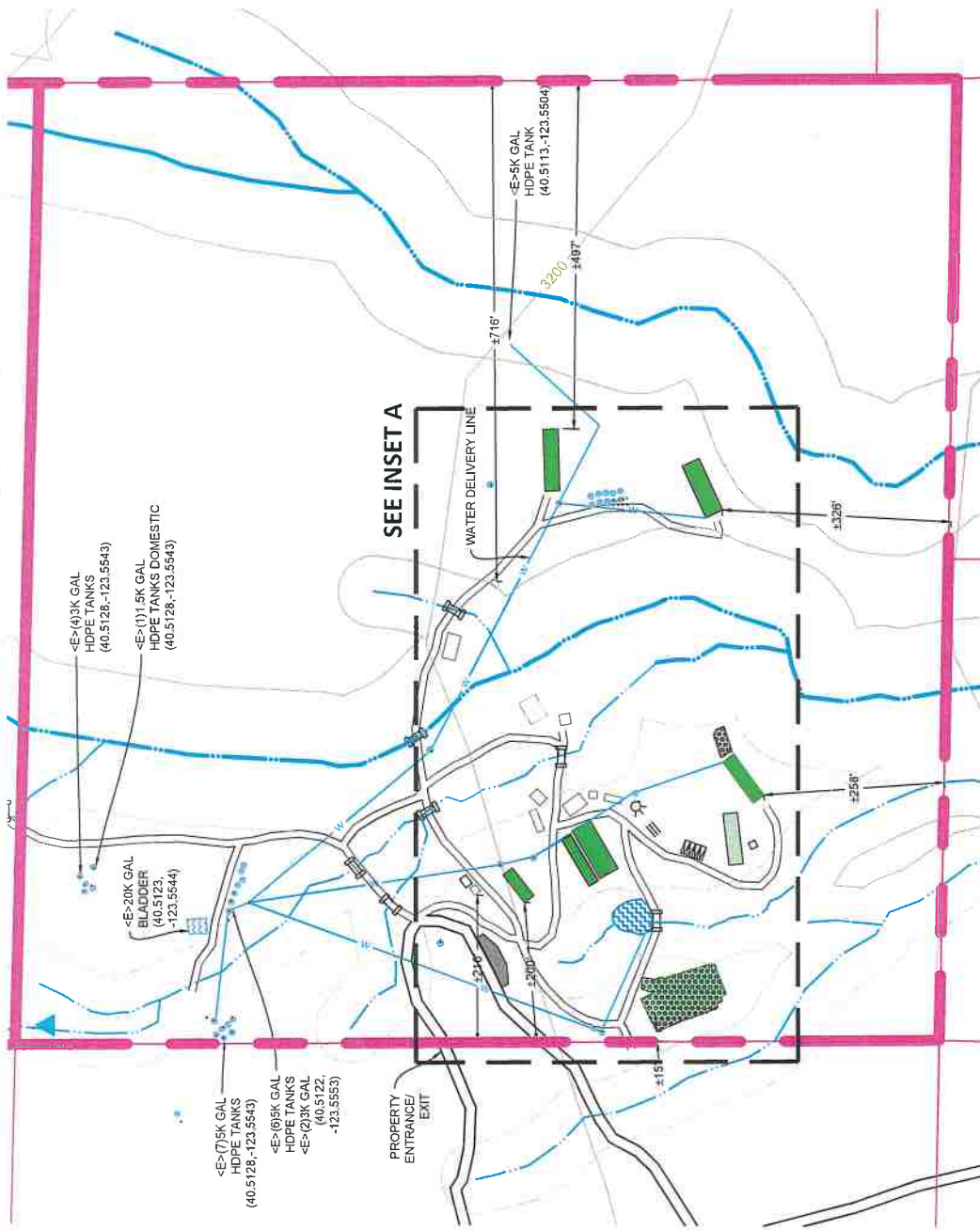
DATE: 4/1/22  
 DRAFTER: XX  
 SCALE: AS SHOWN

SHEET: CP

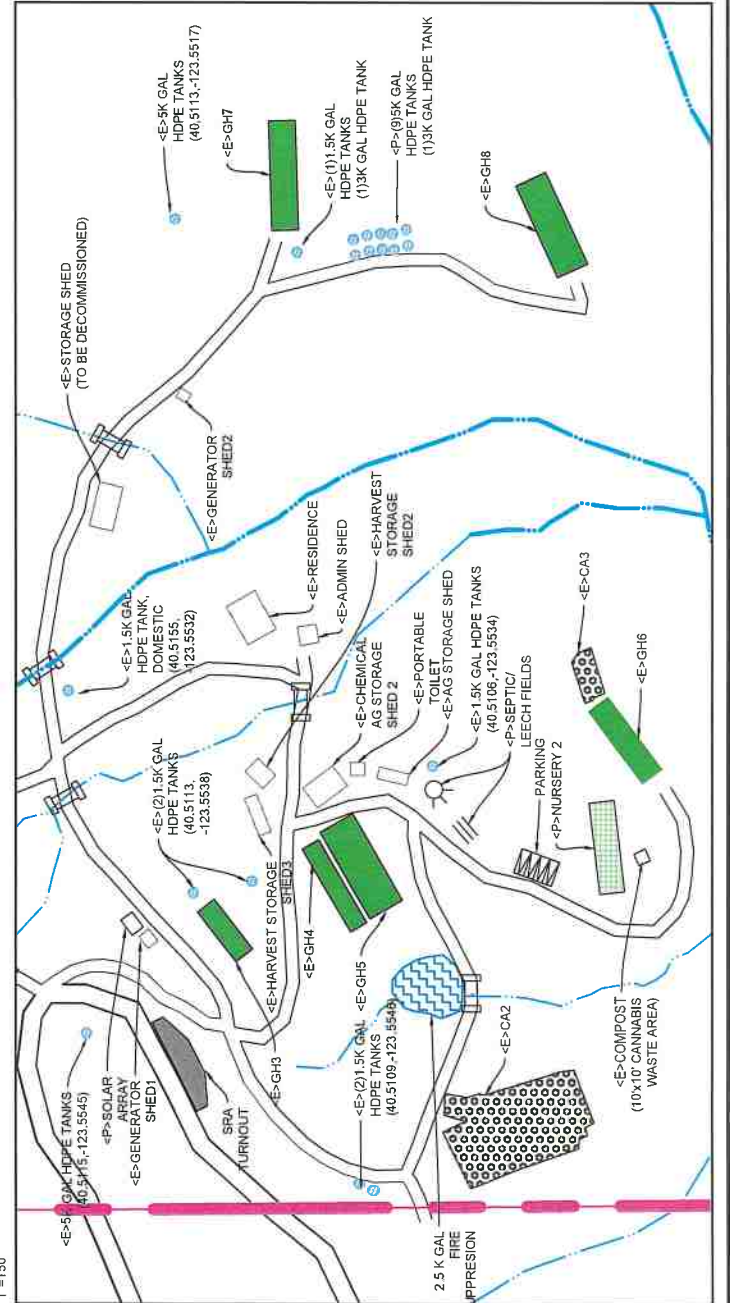


# PARCEL OVERVIEW

## APN: 208-241-007



INSET A  
1"=150'



### CULTIVATION INFORMATION

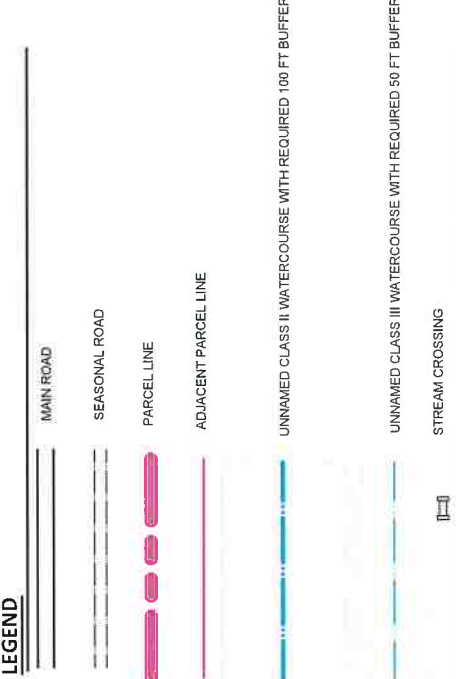
MIXED LIGHT CULTIVATION AREA			
GH	LENGTH	WIDTH	SQ FT
2	75	X	1,200
3	80	X	2,400
TOTAL MIXED LIGHT CULTIVATION AREA = 3,600 SQ FT			
LIGHT DEPRIVATION (OUTDOOR) CULTIVATION			
GH	LENGTH	WIDTH	SQ FT
1	50	X	850
4	70	X	1,400
5	89	X	1,869
6	84.48	X	2,281
TOTAL LIGHT DEPRIVATION CULTIVATION AREA = 6,400.0 SQ FT			

FULL-TERM (OUTDOOR) CULTIVATION AREA			
CA	LENGTH	WIDTH	SQ FT
1	7.385		665
2	7.385		665
TOTAL FULL-TERM CULTIVATION AREA = 8,050 SQ FT			
TOTAL PROPOSED IMMATURE PLANT AREA			
NURSERY	LENGTH	WIDTH	SQ FT
	74	X	20
TOTAL AREA = 1,480 SQ FT			

CULTIVATION BUILDINGS AND USE					
BUILDINGS	USE	SIZE	YEAR	SIZE	YEAR
GENERATOR SHED1	GENERATOR/FUEL STORAGE	10'x12'	2015		
GENERATOR SHED2	GENERATOR/FUEL STORAGE	10'x12'	2015		
HARVEST STORAGE SHED1	HARVEST STORAGE	20'x15'	2016		
HARVEST STORAGE SHED2	HARVEST STORAGE	25'x10'	2015		
ADMIN SHED	ADMIN HOLD AREA	15'x15'	2013		
CHEMICAL AG STORAGE BUILDING	CHEMICAL AG STORAGE	30'x20'	2015		
AG STORAGE SHED	CULTIVATION RELATED STORAGE	25'x10'	2016		
DOMESTIC BUILDINGS AND USE					
BUILDINGS	USE	SIZE	YEAR	SIZE	YEAR
RESIDENCE	LIVING QUARTERS	35'x26'	1999		
WATER SOURCE					
TYPE	LAT/LONG	BENEFICIAL USE			
POINT OF DIVERSION 2	40.5130, -123.5548	CANNABIS IRRIGATION			

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

WATER STORAGE AND USE			
TYPE	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	12	5,000	60,000
HDPE TANK	6	3,000	18,000
HDPE TANK	6	1,500	9,000
HDPE TANK	1	3,000	3,000
WATER BLADDER	1	20,000	20,000
HDPE TANK (PROPOSED)	12	5,000	60,000
HDPE TANK (PROPOSED)	1	3,000	3,000
TOTAL AMOUNT OF WATER STORAGE=			173,000 GALLONS



**PROJECT INFORMATION**  
MDRV REALTY LLC  
APN: 208-241-007  
PARCEL OVERVIEW  
PROPERTY OWNER  
ADDRESS  
SHEET INFO

REVISIONS	
NO	DATE
1	00-00-00
2	00-00-00
3	00-00-00
4	00-00-00
5	00-00-00
6	00-00-00

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

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #12. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits all structures (existing and proposed) related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: two (2) mixed-light greenhouses, four (4) light-deprivation greenhouses without the use of supplemental lights, one (1) ancillary propagation greenhouse, two (2) harvest storage sheds, two (2) generator sheds, and five (5) storage sheds. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant is conditioned to permit historic grading that occurred on-site with the Building Division. The plan shall identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.

8. The project is conditioned to provide all power from 100% renewable energy sources by the 2026 cultivation season, and the applicant shall submit an energy plan show how all power will be provided by renewable energy sources.
9. The applicant shall submit an updated Site Plan to show the proposed location for the solar array, and shall permit the proposed solar system with the Building Division by 2026.
10. The applicant shall complete the recommendations in the Timber Conversion Report prepared by Blair Forestry Consulting; address road surface points on roads leading to conversion sites and watercourse crossings at SC #8 SC #9 & SC #10, and treat slash and woody debris around Conversion Area A and B.
11. In the event that one of the parcels (APN's: 208-241-006 or 208-241-007) is conveyed to a different owner, the applicant shall either discontinue the use of the bladders on the adjacent parcel or shall obtain an easement for the access and use of the two (2) water bladders located on APN: 208-241-006.
12. The applicant shall remove the 20,000 gallon water bladder on-site, and shall add 63,000 gallons of additional water storage in hard tanks.
13. The applicant shall install a water monitoring device to monitor the water diverted from POD 2 and used for irrigation.
14. The applicant shall submit the Restoration Plan to the California Department of Fish & Wildlife (CDFW) and obtain approval for the instream restoration work through a Lake or Streambed Alteration Agreement. The applicant shall submit a copy of the final approved Restoration Plan and LSA Agreement with CDFW to the Planning Division, and shall adhere to the work described in the final LSA Agreement and Restoration Plan.
15. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
16. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility, to be furnished during an annual inspection.
2. The applicant shall provide receipts or other equivalent documentation annually to the Planning Division for proof of portable toilet service until the applicant has obtained a permitted septic system on-site with DEH.
3. The applicant shall adhere to the terms and restrictions in the Water Right Certificate H100730, or any subsequent Water Right.
4. The applicant shall adhere to the recommendations and BPTC's listed in the Site Management Plan prepared by Mother Earth Engineering.

5. The applicant is conditioned to abide by and adhere to the terms, project description and work outlined within the final signed SAA No. EPIMS-HUM-15839-R1 with the California Department of Fish & Wildlife.
6. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
7. All artificial lighting shall be fully contained within mixed-light and propagation structures such that no light escapes (e.g., through blackout tarps). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
8. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
9. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
10. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
11. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
12. The use of anticoagulant rodenticide is prohibited.
13. 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.
14. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

15. 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.
16. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
17. 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.
18. 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.
19. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
20. Maintain enrollment in Tier 1 or 2, certification with State Water Resource Control Boards (SWRCB) General Order No. WQ 2019-0001-DQW, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
21. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
22. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
23. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
24. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
25. Pay all applicable application, review for conformance with conditions and annual inspection fees.
26. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
27. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

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

Performance Standards for Cultivation and Processing Operations

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

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

## Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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



**ATTACHMENT 2**

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

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

**APN's 208-241-007;  
Dinsmore/Mad River Area  
County of Humboldt**

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

**April 2022**

## Background

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

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

**Project Description:** The modified project involves a Conditional Use Permit for 14,450 sf of existing outdoor & 3,600 sf of existing mixed-light cannabis cultivation with 1,480 sf of ancillary propagation area. The proposed project includes a Special Permit for the relocation of a historic cultivation outside of a streamside management area. Water for irrigation is provided by a spring diversion (POD 2 under Water Right Certificate H100730), and a Special Permit is being requested to approve the continued use and maintenance of the spring diversion. Annual water usage is estimated at 150,000 gallons (7.68 gal/sf/yr). There is a total of 110,000 gallons of existing water storage on-site and 43,000 additional water storage is proposed for a total of 153,000 gallons. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (SRNF), to approximately 497 feet.

The project will consist of 3,600 sf of mixed-light cultivation, 6,400 sf of outdoor light-deprivation cultivation, 8,050 sf of full-sun outdoor cultivation, and 1,480 sf of ancillary propagation area. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. The applicant shall keep documentation of proof of third-party processing service, to be furnished during an annual inspection. Up to two employees will be used on-site. Power is provided by one generator, and future solar is proposed. The applicant utilizes portable toilets to serve on-site wastewater treatment system needs. The project was referred to the Department of Environmental Health (DEH) on April 26, 2019, and comments were received by the agency on April 30, 2019, recommending conditional approval for the project. The applicant shall provide receipts or other equivalent documentation annually to the Planning Division for proof of portable toilet service until the applicant has obtained proof of a permitted septic system on-site that meets the needs for the project.

The project was referred to the Building Division on April 26, 2019, and a site inspection was conducted on June 14, 2019. Comments from the Building Division included to submit a revised Site Plan and obtain the necessary building permits for all structures and grading associated to cannabis activities on-site. A revised Site Plan has been submitted. There are a total of two (2) mixed-light greenhouses, four (4) light-deprivation greenhouses without the use of supplemental lights, one (1) ancillary propagation greenhouse, two (2) harvest storage sheds, two (2) generator sheds, and five (5) storage sheds. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, and historic grading activities association with the cultivation area.

### **Energy**

The applicant currently utilizes two (2) generators on-site, which are housed within generator sheds, and the applicant plans to transition to on-site solar power. The project is conditioned to provide all power from 100% renewable energy source by the 2026 cultivation season, and the applicant shall submit an energy plan show how all power will be provided by renewable energy sources. The applicant shall submit an updated Site Plan to show the proposed location for the solar array, and shall permit the

proposed solar system with the Building Division by 2026. Once the project transitions to full renewable energy source, one (1) generator will be kept on-site for emergency back-up purposes only.

### **Setbacks**

The project is located within 600 feet of public lands, the Six Rivers National Forest (SRNF). The nearest cultivation area is located approximately 497 feet to the SRNF boundary, and the applicant is requesting a Special Permit to allow a setback reduction to public lands. The project was referred to the US Forest Service on April 26, 2019, and no comments were received. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related public facilities.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife by adhering to International Dark Sky Standard, reducing light and noise impacts, and transitioning to 100% renewable energy source.

### **Timber Conversion**

The site contains timber conversion, and the applicant had a Timber Conversion Report (TCR) prepared by Blair Forestry Consulting, dated January 13, 2018. The TCR was combined for the two (2) adjacent parcels owned and operated by the applicant, and estimates that a total of 1.15 acres of timber conversion occurred in total on both parcels. The TCR recommends that the applicant address road surface points on roads leading to conversion sites and watercourse crossings at SC #8 SC #9 & SC #10, and to treat slash and woody debris around Conversion Area A and B. The project and TCR was referred to CalFire on April 26, 2019, and the agency replied stating that they had no comments on the proposed project.

### **Water Resources**

The project will source water from an on-site spring diversion, POD2 under Water Right Certificate H100251 & H100730. The project was referred to the State Water Board Division of Water Rights on April 26, 2019, and comments were received on April 30, 2019, recommending approval for the project under Water Right Certificate H100251. Water Right Certificate H100251, dated 8/27/2018, lists the previous applicant as the Right Holder. An updated Water Right Certificate H100730, dated 11/25/2019, lists the Right Holder as the current property owner, adds the on-stream pond (which will be used for fire suppression only), and increases the overall water allowed to be diverted under the Water Right. The Water Right is shared with the adjacent parcel (application PLN-11214-SP), which will only utilize POD 1 in the Water Right Certificate, and all water sources are separate for the adjacent projects. Water Right Certificate H100730 allows for the annual diversion of up to 0.94 acre-feet (306,300 gallons), which is a sufficient amount of water for the purpose and use on APN's: 208-241-006 & 208-241-007 (which are estimated to use a total of 200,000 gallons of water annually). The applicant shall adhere to the terms and restrictions in the Water Right Certificate H100730, or subsequent Water Right, such as forbearance and diversion rate requirements. Estimated annual water needed for irrigation on-site is approximately 150,000 gallons (7.68 gal/sf/yr). A total of 110,000 gallons of water storage exists on-site in twenty-five (25) hard tanks, and one (1) 20,000 gallon bladder. There are two (2) additional 20,000 gallon water bladders located on the adjacent parcel to the north (APN: 208-241-006) which are temporarily designated as water storage used for the subject parcel 208-241-007, increasing the total water storage designated for the project to 150,000 gallons. In the event that one of the parcels is conveyed to a different owner, the applicant shall either discontinue the use of the bladders on the adjacent parcel or shall obtain an easement for the access and use of the bladders located on APN: 208-241-006. All water bladders will be decommissioned within two years of the approval date, and an additional 63,000 gallons of water storage is proposed for a total of 153,000 gallons of water storage on-site designated for irrigation needs. The applicant shall remove the 20,000 gallon water bladder, and shall add 63,000 gallons of additional water storage in hard tanks within two years from the projects approval date. The applicant shall also install a water monitoring device to monitor the water diverted from POD 2 and use for irrigation.

The site was historically enrolled in the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023, under WDID: 1B161267CHUM. There was historic cultivation area found to be within a streamside management area (SMA) on-site, and this application includes a Special Permit for the relocation of historic cultivation and restoration of the SMA. The applicant has obtained a Restoration Plan for the historic cultivation area, prepared by Emerald Hills Environmental dated August, 31, 2018. The Restoration Plan describes that the cultivation area was removed from the SMA in 2017, and relocated to an environmentally superior location on-site, and states that the historic cultivation site has become vegetated by local grasses but the soils were largely loose and consolidated. Restoration activities include removal of the sidecast berm features, fill and compacting the "divots", and contouring the surface so that surface water will spread evenly over the ground surface without forming channels or ponds. The applicant shall submit the Restoration Plan to the California Department of Fish & Wildlife (CDFW) and obtain approval for the instream restoration work through a Lake or Streambed Alteration Agreement. The applicant shall submit a copy of the final approved Restoration Plan and Streambed Alteration Agreement with CDFW to the Planning Division, and shall adhere to the work described in the final Agreement and Restoration Plan.

The applicant has also enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ, as a Tier 2 Low Risk site. A Notice of Applicability letter dated December 26, 2019, was submitted as proof of enrollment under WDID: 1\_12CC417973. The applicant has had a Site Management Plan (SMP) prepared by Mother Earth Engineering, to show mitigation measures required for the project to meet Water Board standards, received December 8, 2021. The SMP was prepared for both adjacent parcels APN's: 208-241-006 & 208-241-007, and lists Best Practicable Treatment or Controls (BPTC) for the project. The applicant shall adhere to the recommendations and BPTC's listed in the SMP.

The applicant has obtained a Streambed Alteration Agreement (SAA No. EPIMS-HUM-15839-R1) with the California Department of Fish & Wildlife (CDFW) for all in-stream work associated with the project. The SAA includes work associated with the spring diversion, the on-stream pond used for fire suppression only, and six (6) stream crossing upgrades. The applicant is conditioned to abide by and adhere to the terms, project description and work outlined within the final signed SAA No. EPIMS-HUM-15839-R1 with CDFW.

### **Fire Hazard**

The project is located in an area designated to have high fire hazard severity, and is within the Ruth Lake Community Services District (RLCSD) for fire response. The project was referred to the RLCSD on April 26, 2019, and no comments were received from the agency. There is ample room on-site for a firetruck turnaround, and there is an on-stream pond on-site designated for fire suppression needs only.

### **Biological Resources**

The project is located approximately 0.85 miles to the nearest known Northern Spotted Owl (NSO) activity center, and no rare or endangered species are shown on or near the subject parcel in the California Natural Diversity Database (CNDDDB). The applicant has enrolled in the SWRCB's Order No. 2019-001-DWQ for waiver of waste discharge, all cultivation areas are located outside of any streamside management areas on-site, and the applicant plans to add a future solar system on-site. As the site is pre-existing, and there is no new development proposed, the applicant was not required to provide a Biological Report for the project. The applicant is required to comply with International Dark Sky Standards, and shall not allow any light to escape from mixed-light or nursery greenhouses from dusk to dawn, and shall ensure that all noise levels do not go above 50 decibels at any tree line or 100 feet when noise generating equipment are in use.

### **Tribal Cultural Resource Coordination**

The project is located in the Bear River Band Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), and the Bear River Band Tribe on April 26, 2019. The NWIC replied on May 6, 2019, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on July 12, 2019 requesting a Cultural Resource Survey (CRS) for the project. The applicant has obtained a CRS for the project site, which was prepared by Dimitra Zalarvis-Chase, M.A., RPA, with DZC Archaeology & Cultural

Resource Management, dated December 2019. The CRS states that the archaeological survey was negative for cultural resources, and that there will be no adverse effects or changes to any historic resources on the project site. The applicant shall adhere to Inadvertent Discovery Protocols, as requested by the Bear River Band THPO on December 29, 2021.

### **Access**

Access to the site is from Eight Mile Ridge Road, from County Line Creek Road, from State Hwy 36. Both Eight Mile Ridge Road and County Line Creek Road are non-county maintained roads off of Hwy 36. The applicant has submitted a Road Evaluation Report (RER) form for the access route from Hwy 36, (calling Eight Mile Ridge Road as Ridge Road, and County Line Creek Road as Salyer Mad River Road, named as such on Google Earth) which includes photos and a route map showing photo locations taken at pinch point areas on the road. The RER designates the private access roads as being developed to the equivalent of a category 4 standard, and states that the roads are adequate for the proposed use without further review from the applicant. All approved projects off of the access road will be required to have a Road Maintenance Association developed and will be required to maintain the road through the County's post-approval monitoring team. The project was referred to the Department of Public Works on April 26, 2019, and comments were received on April 29, 2019. Comments from Public Works stated that the access route is from a series of non-county maintained roads that connect directly to State Hwy 36, and recommended that the project be referred to CalTrans. The project was referred to CalTrans on July 18, 2019, and no comments were received by the agency.

### **Public Comment**

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

A response to the public comment was received by the applicant on March 21, 2022, addressing the concerns stated by the neighbors. The applicant states that he purchased the properties last year, and 2021 was the first cultivation season run by the current applicant. The applicant states that he never met any neighbors at the site, and that the easement road that connects the two properties does not pass any residences that he is aware of. Nor was the applicant aware of any theft allegations, or any presence of light or noise pollution, which may have occurred during the previous applicant's ownership of the project. The applicant has also stated that his employees share the work through both projects, but in the event that one project is sold, they would not utilize more than two (2) employees per project, and would not result in more than 1 vehicle trip (but in actuality 2 vehicle trips to and from) per day per parcel. The applicant has also stated that they will discontinue the use of Eight Mile Ridge Road to access the two sites and will instead utilize a skid trail that connects the two adjacent parcels. The applicant does have a Streambed Alteration Agreement (SAA No. EPIMS-HUM-15838-R1) with CDFW allowing the use of the spring located on the Six Rivers National Forest APN: 208-241-005, to be used for domestic purposes only on APN's: 208-241-006 & 208-241-007. There is also an appropriated Water Right (D030916) which expired on July 1, 2014, and the applicant has submitted a request to renew the Water Right for the use of domestic purposes on APN's: 208-241-006 & 208-241-007. The applicant shall be informed that the spring diversion on Six Rivers National Forest is not allowed for the use of cannabis irrigation.

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

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

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

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

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

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

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Green Road Consulting received 4/1/2022.
- Cultivation and Operations Plan received 12/8/2021.
- Addendum to Cultivation & Operations Plan received 2/2/2022.
- Water Right Certificates H100251 & H100730.

- Notice of Applicability letter dated December 26, 2019, for enrollment in the SWRCB General Order WQ 2019-0001-DWQ, WDID: 1\_12CC417973.
- Site Management Plan prepared by Mother Earth Engineering, dated 9/24/2019.
- A Streambed Alteration Agreement No. EPIMS-HUM-15839-R1, received 2/2/2022.
- A Remediation Plan prepared by Emerald Hills Environmental, dated 8/31/2018.
- A Timber Conversion Report prepared by Blair Forestry Consulting, dated 1/13/2018.
- A Road Evaluation Report for County Line Creek Road and Salyer Mad River Road, dated 9/15/2018.
- Cultural Resources Investigation prepared by Dimitra Zalarvis-Chase, M.A., RPA, with DZC Archaeology & Cultural Resource Management, dated December 2019.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

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

### ATTACHMENT 3

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. **(Attached with project Maps)**
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. **(Attached)**
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above), and Updated Water Usage Chart **Attached**)
6. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Water Right Certificate H100251 & H100730 - **Attached**)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, or 2 with the North Coast Regional Water Quality Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability letter dated December 26, 2019, WDID: 1\_12CC417973 – **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Streambed Alteration Agreement No. EPIMS-HUM-15839-R1, received 2/2/2022 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner



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

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. A Road Evaluation Report prepared for County Line Creek Road, and Salyer Mad River Road, dated 9/15/2018. (**Attached**)
16. A Site Management Plan prepared by Mother Earth Engineering dated 9/24/2019. (**Attached**)
17. A Remediation Plan prepared by Emerald Hills Environmental, dated 8/31/2018 (**Attached**).
18. A Cultural Resources Investigation was Cultural Resources Investigation prepared by Dimitra Zalarvis-Chase, M.A., RPA, with DZC Archaeology & Cultural Resource Management, dated December 2019. (On-file and Confidential)
19. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)



**GREEN  
ROAD  
CONSULTING**



## Site Plan Overview and Cultivation and Operations Plan

**Applicant/Owner**

Yumboldt, LLC.

1655 Eight Mile Ridge RD

Mad River, CA 95552

APN: 208-241-007

Phone Number: 914-384-2554

**Agent**

Kaylie Saxon

Green Road Consulting

1650 Central Avenue, Suite C

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## I. Site Plan Overview

### 1.0 Project Information

Yumboldt, LLC. ("Applicant") is submitting this application for a Special Use Permit for 9,286-square feet of existing mixed-light cannabis cultivation and a 8,050-square feet of Outdoor cultivation on a 40-acre parcel, located near Dinsmore, CA ("Parcel"), Assessor's Parcel Number 208-241-007.

The Applicant is proposing to utilize permitted greenhouses for mixed-light cultivation purposes. Mixed-light cultivation activities would utilize seven (7) greenhouses totaling 9,286 square feet of cultivation space. Processing will occur off-site by a licensed third-party processor. The Applicant anticipates one (1) seasonal employee for daily operations.

The Applicant sources water from one (1) permitted, spring diversion on the parcel to support cannabis related activities (SUIR H502200). There are eleven (11) HDPE hard water tanks totaling to 49,000 gallons of water storage.

There are four (4) existing buildings onsite that will not have a nexus to cannabis cultivation. The two (2) 10'x12' Generator Sheds were constructed in 2015. They will be used for generator and fuel storage. The Storage Shed #1 is a 20'x15' building constructed in 2016 and is used for chemical agricultural storage, and drying and storage of harvested cannabis.

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

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

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

- a. Permit 8,050-square feet of existing open-air commercial cannabis cultivation and 9,286-square feet of existing mixed-light cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

### 2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Dinsmore, CA. The Parcel is comprised of 40-acres and is identified by Assessor's Parcel Number ("APN") 208-241-007.

### 2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR with a Current General Plan Framework of B. The CMMLUO permits existing commercial cannabis cultivation on land zoned as with open air cultivation sites between 5,000 to 10,000 square feet with a Special Permit.

## **2.2 Site Topography**

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

## **3.0 Easements**

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

### **EXHIBIT "A"**

#### **Legal Description**

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

#### **PARCEL ONE:**

Parcel 132 of Timberline Ranch Estates, as shown on the Amended Record of Survey filed in Book 26 of Surveys, Pages 135 through 143, inclusive, in the Office of the County Recorder of said County.

#### **PARCEL TWO:**

A non-exclusive right of way for ingress, egress and public utilities 60 feet in width over the roads within the numbered parcels as shown on the Record of Survey Map referred to in Parcel One above, with the exception of the road over Parcels 27 and 36 and the Northwest corner of Parcel 38.

## **4.0 Natural Waterways**

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

## **5.0 Setbacks of Cultivation Area**

All cultivation is located outside of the required setbacks.

## **6.0 Access Roads**

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

## **7.0 Graded Flats**

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

## 8.0 Existing and Proposed Buildings

### Domestic Buildings (No Domestic Building will have a nexus to cannabis activity)

#### Storage Shed #2

The Storage Shed #2 is a 25'x10' structure utilized for general storage and was constructed in 2013.

#### Storage Shed #3

The Storage Shed #3 is a 36'x19' structure utilized for general storage and was constructed in 2015.

#### Storage Shed #4

The Storage Shed #4 is a 25'x10' structure utilized for general storage and was constructed in 2015.

#### Residence

The Residence is a 35'x26' building constructed in 1999 and is used for housing.

### Cultivation Related Buildings

#### Generator Shed #1 & 2

The Generator Sheds #1 & 2 are a 10'x12' structures used for fuel and generator storage.

#### Storage Shed #1

Storage Shed #1 is a 20'x15' structure used for agricultural related chemical storage, and the drying and storage of harvested cannabis.

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

### 9.1 Water Source

The Applicant sources water from a permitted surface diversion.

### 9.2 Water Storage

The Applicant has 49,000-gallons of water storage as outlined below.

- Eight (8) 5,000-gallon HDPE tank
- Three (3) 3,000-gallon HDPE tank

### 9.3 Irrigation Plan

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

### 9.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

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

#### **9.5 On-Site Water Conservation Measures**

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

#### **9.6 Water Use Record Keeping Practices**

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

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

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

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

##### **Erosion Prevention and Sediment Capture**

The discharger will maintain a Road and Drainage Feature Maintenance Log. A page of this log is included with this report. Storms that produce 0.5 inches of precipitation within 24 hours or over 1 inch over the course of 7 days shall trigger an inspection of all roads, ditches, culverts and their outfalls, and

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

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

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

### **Fertilizers, Pesticides and Herbicides**

#### **Application, Storage and Disposal**

Currently there are no fertilizers, pesticides, herbicides or rodenticides used on the parcel. There are storage sheds which can adequately contain these chemicals during the cultivation season and during the winter period. Any of these will be mixed or prepared in locations where these cannot enter a waterbody (surface or groundwater). Fertilizers, pesticides, herbicides and rodenticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers, pesticides and herbicides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in separate secondary containment. During the off season all chemicals will be stored in a covered building. Agricultural chemicals will not be applied within 48 hours of a predicted rain event with a 50% or greater chance of 0.25 inches. Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials or pesticides will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied. For the proposed 8,886 ft<sup>2</sup> of cultivation, 65 pounds of nitrogen is the projected limit unless the Applicant can prove through testing that additional nitrogen must be applied.

#### **Spill Prevention and Clean Up**

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



**Petroleum**

**Use, Storage, and Disposal**

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

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

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

**Cultivation Waste, Trash/Refuse and Domestic Wastewater**

**Trash/Refuse Overview**

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

**Domestic Wastewater BPTC Measures**

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

**Winterization Measures**

It is required that winterization measures be completed annually before the onset of the winter rainy season. The SWRCB has defined the winter season as beginning November 1<sup>st</sup> and concluding April 1<sup>st</sup>. Winterization measures apply to cultivation areas, any additional disturbed

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

### **13.0 Stormwater Management Plan**

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

**14.0 Energy Use**

The parcel is supported by generator.

**15.0 Distances from Significant Landmarks**

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

**II. Cultivation and Operations Plan****1.0 Materials Storage**

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

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

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

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

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

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

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

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

### **1.1 On-Site Waste Treatment System Information**

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

### **2.0 Cultivation Activities**

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

#### **Cultivation Standards**

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

### **3.0 Processing Practices**

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

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

### **4.0 Security Measures**

The access to the parcel is gated and locked.

### **5.0 Energy Use**

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

## Updated Water Usage Chart

**11212 (18,050 sqft)**

Water Use Estimation (Gallons)													
	January	February	March	April	May	June	July	August	September	October	November	December	Total
Diversion to Storage	37,500	37,500	37,500	-	-	-	-	-	-	-	-	37,500	150,000
Irrigation from storage	-	-	-	16,667	18,889	22,222	25,556	26,667	24,444	15,556	-	-	150,000



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

**DIVISION OF WATER RIGHTS**

**RIGHT TO DIVERT AND USE WATER**

REGISTRATION *H502200*

CERTIFICATE *H100251*

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

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

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

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

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

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

2. Purpose of Use and 3. Place of Use

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

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

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

4. Quantity and Season:

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

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

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

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

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

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

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

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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

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

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

**DIVISION OF WATER RIGHTS**

**RIGHT TO DIVERT AND USE WATER**

REGISTRATION *H508650*

CERTIFICATE *H100730*

Right Holder: *Albert Arnold  
1632 Broadway Avenue #449  
Eureka, CA 95501*

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 *11/25/2019*. 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	Unnamed Spring	Unnamed Stream	Mad River	40.510733	-123.554278	Humboldt	208-241-007
POD 1	Unnamed Stream	Mad River	Pacific Ocean	40.515767	-123.553900	Humboldt	208-241-006
POD 2	Unnamed Spring	Unnamed Stream	Mad River	40.512346	-123.554161	Humboldt	208-241-007

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	208-241-007-000	0.41

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *11/15/2019*.

The place of use is shown on the map filed on *11/15/2019* with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed **0.94 acre-feet per year** to be collected from 11/01 to 05/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 1.04 acre-feet. Together, the rate of direct diversion and 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.** For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

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

Diversion and use of water under this right may deviate from applicable conditions and requirements of the State Water Board's Cannabis Policy to the extent such diversion and use is in compliance with a local cooperative solution that supersedes specified general conditions of this right and which the Deputy Director for Water Rights has approved. To the extent of any conflict, the local cooperative solution shall supersede the general conditions of the Cannabis Policy as of the date the Deputy Director for Water Rights approves the local cooperative solution, unless the Deputy Director specifies a later effective date. The applicable conditions and requirements of this right shall revert to the general conditions of the Cannabis Policy if the local cooperative solution is withdrawn or canceled. Diversion or uses of water in violation of a local cooperative solution or agreement approved by the Deputy Director for Water Rights is subject to enforcement as a violation of the Cannabis Policy and the conditions of this right.

A local cooperative solution or agreement has not been approved by the Deputy Director for Water Rights.

The current version of the State Water Board's *Cannabis Policy* and the approval status of any proposed local cooperative solutions or agreements are available online at: <https://www.waterboards.ca.gov/cannabis> (<https://www.waterboards.ca.gov/cannabis>).

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 5 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. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
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: 1) the submittal of an annual report of water use; and 2) satisfactory renewal, on forms prescribed by the State Water Board. This right is also subject to payment of annual 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: 11/25/2019

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**North Coast Regional Water Quality Control Board**

December 26, 2019

WDID:1\_12CC417973

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

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

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

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

Sincerely,

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

191226\_2L\_1\_12CC417973\_1B161267CHUM\_DNA\_Realty\_Holdings\_NOA\_TW

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

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

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

**1. FACILITY AND DISCHARGE DESCRIPTION**

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

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

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

**2. SITE-SPECIFIC REQUIREMENTS**

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

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](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 21, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

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

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

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



White Oak Land Holdings, LLC PO Box 33 Mad River, CA 95552



# Site Management Plan

Implementation of Best Practical Treatment or Control Measures

In Fulfillment of Water Quality Order 2017-0023-DWQ

State Water Resources Control Board

Prepared for:

DNA Realty Holdings, LLC

1632 Broadway #449 Eureka, CA 95501

Humboldt County APN: 208-241-007 & 208-241-006

Prepared by:



**MOTHER EARTH  
ENGINEERING**

661 G Street

Arcata, CA 95521

(707)-633-8321

Mother Earth Engineering Project: #19029 – Prepared 09/24/2019

As a condition of approval for enrollment into the Water Quality Order 2017-0023-DWQ for the cultivation, processing, manufacture, or distribution of cannabis, the owner or permittee shall indemnify and hold harmless Mother Earth Engineering, Inc. and its agents and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the commercial cultivation, processing, manufacture, or distribution of cannabis for medical use. As the preparer, Mother Earth Engineering, Inc. is not responsible for any water quality violations.

I/we agree to be responsible to the stated terms and conditions of the Order, and release Mother Earth Engineering, Inc., its employees, contractors, and consultants from any defense costs, including attorneys' fees or other loss connected with any legal challenge which may arise from implementation of said Order.

Landowner Printed Name: DNA Realty Holdings, LLC

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

Permittee Printed Name: Albert Arnold

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

Prepared by: Mother Earth Engineering, Inc.  
920 Samoa Blvd., Suite #210  
Arcata, CA 95521  
(707) 633-8321

Site Management Plan prepared on: 09/24/2019

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

## General Information

**Owner:** DNA Realty Holdings, LLC  
1632 Broadway #449  
Eureka, CA 95501

**Site Address:** Ridge Road  
Mad River, CA 95526  
Humboldt County

**Parcel:** APN: 208-241-006 & 208-241-007  
Parcel Centroid: 40.5149, -123.5526  
Zoning: RA20-160, FR-B-5  
Parcel Size: 80 Acrea (combined)  
Cannabis Cultivation Area: 18,000 ft<sup>2</sup>  
Disturbed Area: 81,434 ft<sup>2</sup>  
HUC-12: 180101020302 – Bear Creek – Mad River

**SWB WDID:** 1\_12CC417602

**Facility Status:** Tier 2 – Low Risk

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## 1. INTRODUCTION

This Site Management Plan (Plan) was developed to report how the discharger is complying with the list of Best Practicable Treatment or Controls (BPTC's) listed in Attachment A, Section 2 of the State Water Resources Control Board (SWB) Order 2017-0023-DWQ (Order). The purpose of this Order is to provide a regulatory structure to minimize adverse impacts to water quality due to cannabis cultivation. Cannabis cultivators that are enrolled under this Order and compliant with its regulations will receive a conditional waiver for the discharges associated with cannabis cultivation. Using data from on Site assessments and office analysis; this Plan takes an inventory of all cannabis cultivation activities, land and resource management, and land stewardship practices to ensure the discharger is in compliance with the Order.

## 2. SITE LOCATION

The Site is located in the Mad River watershed in Central Humboldt County, approximately 13 miles south of Korb, CA. To reach the Site from Eureka, head north on US HWY 101, turning left onto Myrtle Avenue, then turning right onto Freshwater Road. Then take a right onto Kneeland Road, and then a left onto Butler Valley Road. The road is followed for several miles, after crossing over the Mad River the property will be on the right. The Site is located in Section 6, Township 4N, Range 3E. The property is located on the Korb USGS 7.5-minute quadrangle map. The parcel centroid is located at latitude 40.7566 and longitude -123.8803.

### 3. SITE DESCRIPTION

The property is located on flood plain flats in the Mad River Valley, with the cultivation area located approximately 350 feet from the Mad River at the closest point. The Mad River forms the property ranges from 2,500 ft to 2,725 ft above mean sea level, and is mainly surrounded by Montane-Hardwood Conifer, Douglas Fir and other species. The land is characterized as having low sloped grades to highly sloped grades and drains towards the both the southwest of the property into Butte Creek and to the North-East) of the property into a tributary to Butte Creek. The climate can be generalized by a pattern of high-intensity rainfall in the late fall until the early spring and hot, dry summers (weather narrative). Mean annual precipitation is approximately 70.5 inches. Soils within the property are primarily composed of Highyork-Elkcamp-Airstrip complex at 15 to 50 percent slopes, and Pasturerock-Coyoterock-Maneze complex at 15 to 50 percent slopes. The Little Van Duzen River is approximately 0.86 miles from the property.

### 4. FIELD AND ASSESSMENT METHODS

Office analysis and field inventory were used to determine the status of the property for enrollment in the Order. Pre-field inspection using aerial footage of the property was used to identify existing infrastructure, cultivation areas, watercourses, and the general layout of the property. The field inventory was conducted by Mother Earth Engineering staff on 07/22/2019. The inventory included GPS mapping of structures, water tanks, ponds, roads, cultivation Sites, and other infrastructure.

### 5. SITE INVENTORY

#### 5.1. Site Map

Included with this report is an up to date Site Map showing all access roads, streams, stream crossings, cultivation Sites, disturbed areas, and other relevant Site features. See Attachment A.

#### 5.2. Road Conditions

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

Table 1: Inventory of access roads on Site.

Map ID	Road Condition	Corrective Measure

The private access roads are used only by employees. The private access roads are used daily with quads and off-highway vehicles. Conventional vehicle traffic on and off the property is estimated to be one trip per day.

### 5.3. Watercourses and Stream Crossings

There are eight individual watercourses on the two parcels; two of which originate off of the property, and six with headwaters or spring sources within. There are three mapped watercourses that run off the downslope edge of the property, two Class II streams and one Class III. All of these watercourses drain directly into the Mad River. There are 12 stream crossing culverts located on the two parcels. All of the stream crossings are inventoried in the table below.

**Table 2: Inventory of watercourses that run through the Site.**

Map ID	Diameter	Type	Notes
SC-1	18"	Corrugated Metal	Stream crossing of a Class III watercourse.
SC-2	18"	Corrugated Metal	Stream crossing of a Class III watercourse.
SC-3	18"	HDPE	Stream crossing of a Class III watercourse.
SC-4	18"	HDPE	Stream crossing of a Class III watercourse.
SC-5	18"	HDPE	Stream crossing of a Class III watercourse.
SC-6	24"	HDPE	Stream crossing of a Class III watercourse.
SC-7	-	Ford Crossing	On legacy road that is no longer in use.
SC-8	24"	HDPE	Stream crossing of a Class III watercourse.
SC-9	48"	HDPE	Stream crossing of a Class II watercourse.
SC-10	-	Rocked Ford Crossing	Rocked Ford on a Class III watercourse.
SC-11	24"	HDPE	Stream crossing of a Class III watercourse.
SC-12	-	Ford Crossing	Crossing has been removed.

### 5.4. Water Storage

Water storage onsite consists of various HDPE tank arrays throughout the property. They have grouped by location, the table below gives the inventory.

Map ID	Number of Tanks	Tank Array Subtotal	Notes
TA-1	4x 5,000 gals 4x 3,000 gals 1x 1,500 gals 1x 500 gals	34,000 gals	Located on northern parcel, 208-241-006

TA-2	3x 3,000 gals 1x 1,500 gals	10,500 gals	Located on northern parcel, 208-241-006
TA-3	4x 5,000 gals 3x 3,000 gals	29,000 gals	Located on southern parcel, 208-241-007
TA-4	2x 3,000 gals 2x 1,500 gals	7,500 gals	Located on southern parcel, 208-241-007
TA-5	1x 3,000 gals 2x 1,000 gals	5,000 gals	Located on southern parcel, 208-241-007
TA-6	1x 5,000 gals 1x 3,000 gals	8,000 gals	Located on southern parcel, 208-241-007
<b>TOTAL STORAGE</b>		95,000 gals	Total on 208-241-006 & 208-241-007

The discharger has onstream pond that is proposed to be used for cannabis irrigation. This pond is indicated on the map as IM-1, it is currently in the process of being registered as an onstream impoundment SIUR.

### 5.5. Water Sourcing

Cannabis irrigation water is sourced from two surface water diversion points that are registered under H50220. These diversion points are indicated as POD-1 and POD-2 on the site maps.

### 5.6. Cultivation Areas

There are seven general cultivation areas spread amongst the two parcels. Each cultivation area is inventoried in the table below.

**Table 3: Inventory of cultivation areas and associated characteristics.**

Map ID	Cultivation Activity	Area Description	Distance to Closest Water Body (ft)	Water Body Classification
CA-1	Outdoor – 2,000 s.f. Greenhouse – 2,700 s.f. Greenhouse – 2,100 s.f.	Sole cultivation area on northern parcel	80	This cultivation area is approximately 80 feet from the Class III stream to the west.
CA-2	Hoophouse – 800 s.f.	Natural light hoophouse cultivation	120	Spring/headwaters of Class III watercourse that is impounded in pond IM-1
CA-3	Hoophouse – 1,056 s.f. Hoophouse – 1,960 s.f.	Two natural light hoophouses	63	Class III impoundment, IM-1
CA-4	Hoophouse – 2,069 s.f.	Hoophouse	192	Class II watercourse
CA-5	Outdoor – 7,000 s.f.	Outdoor	61	Class III watercourse
CA-6	Outdoor – 2,000 s.f.	Outdoor	63	Class III watercourse
CA-7	Hoophouse – 2,458 s.f.	Hoophouse	152	Class II watercourse

### 5.7. Support Buildings

There are support building spread throughout the two parcels. An inventory of all support buildings is found in the table below.

Table 4: Inventory of all support buildings on site.

Map ID	Building Dimension	Use	Materials Stored	Additional Comments
SB-1	20' x 53'	Storage and processing building	Equipment storage	No fuel or nutrients
SB-2	10' x 12'	Cultivation related storage	Nutrients and amendments	-
SB-3	10' x 12'	Cultivation related storage	Fuel	-
SB-4	14' x 34'	Cultivation related storage	Nutrients and amendments	-
SB-5	20' x 30'	Cultivation related storage	Fuel and equipment storage	-
SB-6	15' x 30'	Cultivation related storage	Nutrients and amendments	-
GS-1	10' x 12'	Generator Shed	Generator and fuel	-
GS-2	10' x 12'	Generator Shed	Generator and fuel	-
PB-1	10' x 12'	Processing Building	Plant processing, drying, and storage	No fuel or nutrients
PS-1	-	Fixed propane tank, 500 gals	Propane	-

### 5.8. Land Disturbance

Land areas where natural conditions have been altered in any way that causes an increase in sediment discharging from the property are considered disturbed land. Disturbed area includes cultivation areas, cultivation materials storage, buildings, water storage, and roadways that area not maintained consistent with the Handbook for Forest, Ranch, and Rural Roads. The total disturbed land according to onsite and aerial survey is 81,434 ft<sup>2</sup>.



### 5.9. Legacy Waste Discharge Issues

Due to being located in Regional Water Quality Control Board Region 1 legacy waste discharge issues must be identified and discussed in the Site Management Plan. There are no legacy waste discharge issues on Site.

### 5.10. Erosion Prevention BPTC Measures

Erosion prevention controls consist of gravel on access roads and straw wattles at the perimeter of disturbed areas. All erosion control measures shall be replaced and upgraded as needed. Additional erosion prevention controls that are recommended are listed in Section 11.

### 5.11. Maintenance Activities

The discharger will maintain a Road and Drainage Feature Maintenance Log. A page of this log is included with this report. Storms that produce 0.5 inches of precipitation within 24 hours or over 1 inch over the course of 7 days shall trigger an inspection of all roads, ditches, culverts and their outfalls, and any other drainage features. This same inspection shall occur prior to the onset of the wet season (e.g. September before regular rain events begin). Dischargers shall inspect the condition of the roads and drainage features. Any woody debris that is found at drainage inlets should be removed to prevent any blockages. Any sediment buildup that impacts access road or drainage feature performance shall be removed and stabilized outside of the riparian setbacks. Stabilization of sediment will be achieved by one of the following methods:

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

## 6. AGRICULTURAL CHEMICAL BPTC MEASURES

### 6.1. Inventory of Agricultural Chemicals

Table 10 lists all off the agricultural chemicals in use on Site. All agricultural chemicals are used and stored in a manner that prevents those chemicals from entering the riparian setbacks or waters of the State. All chemical usage is in accordance with the label instructions. Agricultural chemicals are applied at agronomic rates. No restricted pesticides are allowed on the Site.

Table 5: Inventory of all agricultural chemicals in use on Site.

Agricultural Chemical Name	Agricultural Chemical Type	Method of Storage	Storage Location	Description of Use
	Amendment / Fertilizer / Pesticide /	Secondary Containment	Fertilizer and Pesticide	During growing season at no more than agronomic rates.

	Herbicide / Rodenticide		Storage Area	
--	----------------------------	--	-----------------	--

### 6.2. Agricultural Chemical Container Disposal

Empty agricultural chemical containers are disposed as per their label instruction. If the discharger is unsure of proper disposal method, they will contact their local Waste Management or Transfer Center Facility for instruction. Until proper disposal, empty containers will be kept in heavy duty plastic totes or heavy-duty contractor bags stored in weatherproof shelter.

## 7. PETROLEUM PRODUCT BPTC MEASURES

### 7.1. Inventory of Petroleum Products

Table 11 lists all off the agricultural chemicals in use on Site. All petroleum products are used and stored in a manner that prevents those chemicals from entering the riparian setbacks or waters of the State. All fuel usage and storage is in accordance with the label instructions.

Table 6: Inventory of all petroleum products used on Site.

Petroleum Product	Associated Equipment	Method of Storage	Storage Location	Description of Use
Propane	Propane Tanks	500 gallon fixed tank, miscellaneous portable tanks	PS-1	Used for domestic appliances, heaters
Gasoline	Backup Generator	Approved portable storage tanks in secondary containment	SB-3, SB-5	Off highway vehicles, generators

## 8. SPILL PREVENTION AND CLEANUP

There are spill kits located in all generator sheds for immediate use to clean up any agricultural chemical or petroleum product spills. Discharger will maintain spill kits by restocking whenever any materials are used.

## 9. TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES

### 9.1. Inventory of Refuse Sources on Site

Refuse Source	Type	Storage Location	Disposal Process
---------------	------	------------------	------------------

Residential	Domestic Waste	Self-haul Waste Area	Bagged and delivered to transfer station weekly
Cultivation	Agricultural Waste	Self-haul Waste Area	Bagged and delivered to transfer station weekly

## 9.2. Inventory of Wastewater Sources on Site

Wastewater Source	Treatment Type	Treatment System Location	Additional Notes
Residential	Portable Toilet	Hauled offsite	

## 10. WINTERIZATION BPTC MEASURES

All applicable erosion control and sediment prevention measures prior to the beginning of the winter period beginning, which is November 15 to April 1. All soil stockpiles and spoils must either be properly disposed of or fully contained and weatherproofed during this period. Any seasonal roads shall be blocked off during this period. No heavy equipment will be used during the winter period.

## 11. SUMMARY OF BPTC MEASURES

Below is a summary of the BPTC measures that are either underway or yet to be completed. These measures must be completed prior to the start of the winter period, November 15 unless specified as a year-round activity (e.g. No 54, No 84).

BPTC Measure Number	Location (Map ID or General Area)	BPTC Measure and Directive
10	Throughout property, on all	Cannabis cultivators shall incorporate erosion control and sediment detention devices and materials into the design, work schedule, and implementation of

	downslope perimeters of disturbed areas	<p>the cannabis cultivation activities. The erosion prevention and sediment capture measures shall be effective in protecting water quality.</p> <p><b>All disturbed areas need the appropriate erosion controls installed and mulching/seeding incorporated to stabilize all areas.</b></p>
11	Throughout property, on all downslope perimeters of disturbed areas	<p>Cannabis cultivators shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves). To minimize the risk of ensnaring and strangling wildlife, cannabis cultivators shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control for any cannabis cultivation activities. This prohibition includes photo- or bio-degradable plastic netting.</p> <p><b>Any straw wattles using plastic netting materials shall be replaced with natural fiber weave erosion controls.</b></p>
15	Throughout property	<p>Access roads shall be constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The Road Handbook describes how to implement the regulations and is available at . Existing access roads shall be upgraded to comply with the Road Handbook.</p> <p><b>All roadways shall be rocked with gravel and have appropriate features installed to drain roadway. It is recommended that locations labeled RD on the site map should have rolling dips installed.</b></p>
59	CA-6	<p>Cannabis cultivators shall store erodible soil, soil amendments, and spoil piles to prevent sediment discharges in storm water. Storage practices may include use of tarps, upslope land contouring to divert surface flow around the material, or use of sediment control devices (e.g., silt fences, straw wattles, etc.).</p> <p><b>Loose soil stored near CA-6 shall be contained using tarps and/or sediment control devices. The same shall be applied to any loose soil generated on site.</b></p>
99	Throughout property	<p>Cannabis cultivators shall maintain daily records of all water used for irrigation of cannabis. Daily records may be calculated by the use of a measuring device or, if known, by calculating the irrigation system rates and duration of time watered (e.g., irrigating for one hour twice per day using 50 half-gallon drips equates to 50 gallons per day (1*2*50*0.5) of water used for irrigation). Cannabis cultivators shall retain, for a minimum of 5 years, irrigation records at the cannabis cultivation site and shall make all irrigation records available for review by the Water Boards, CDFW and any other authorized representatives of the Water Boards or CDFW.</p> <p><b>Discharger shall keep daily records of all water used for cannabis irrigation.</b></p>

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

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



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

4/26/2019

**Project Referred To The Following Agencies:**

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

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

**Application (APPS#)** **PLN-11212-CUP** Historic Planning **Assigned Planner** Elizabeth Schatz

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

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

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

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

**Return Response No Later Than: 5/11/2019**

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

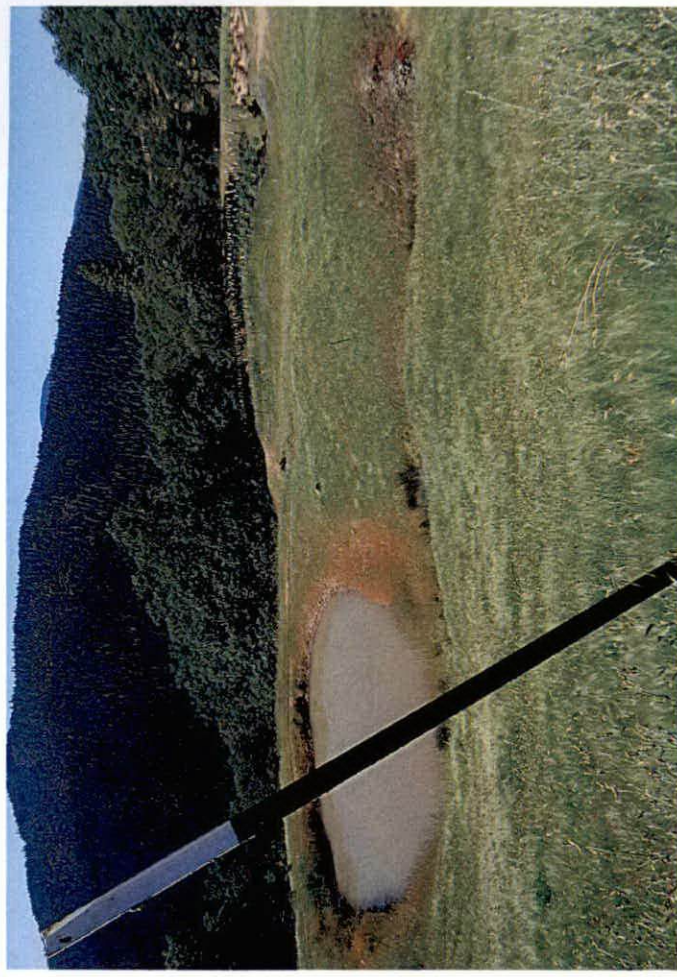
**We have reviewed the above application and recommend the following (please check one):**

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

Other Comments: See presite comments & photos

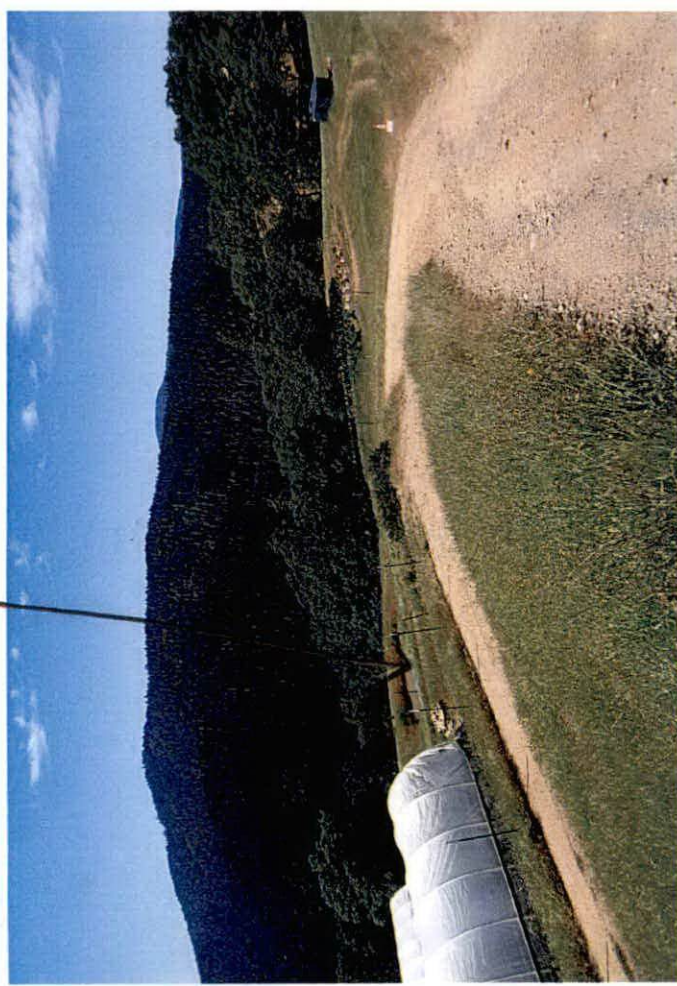
DATE: 6-14-19 PRINT NAME: Gustin Dummer

IP Instream Pond

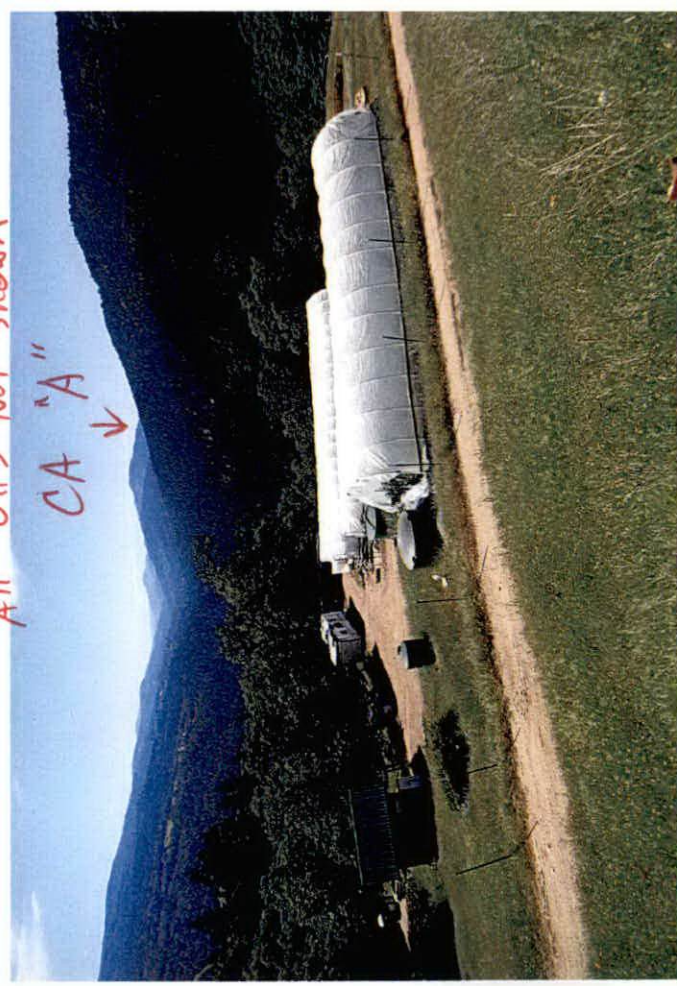


CA "A"

IP



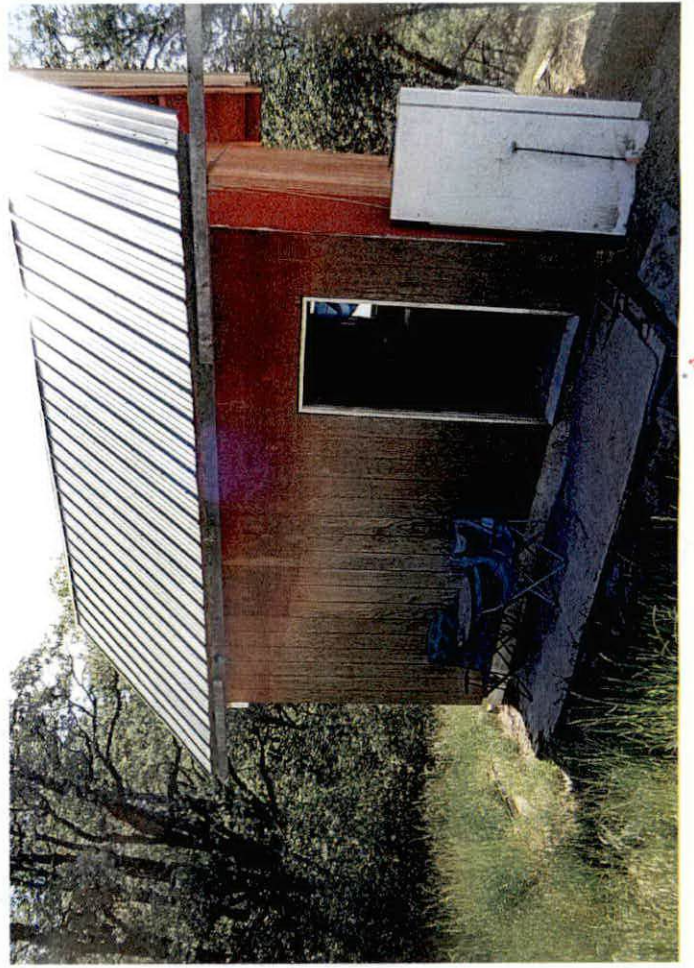
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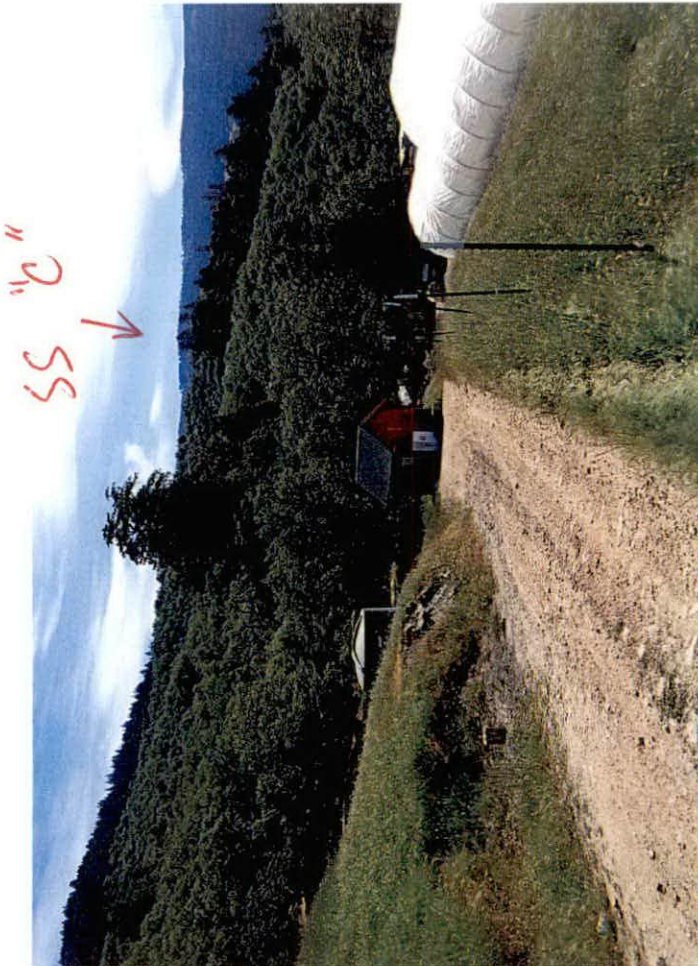
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200-142-802

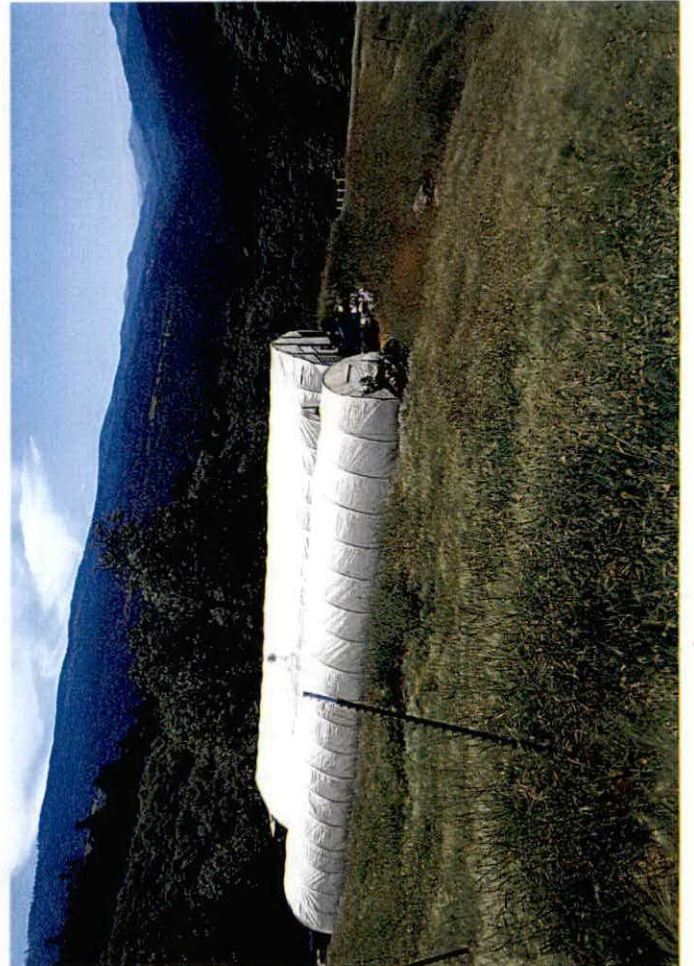
CD 6/11/19



Storage sked @ CA 'A'



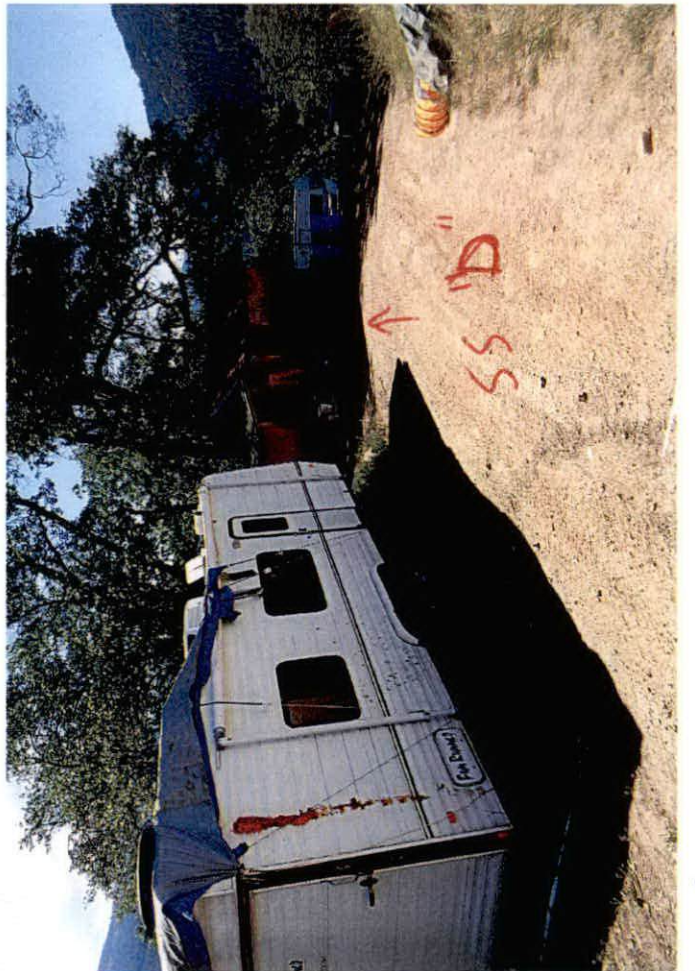
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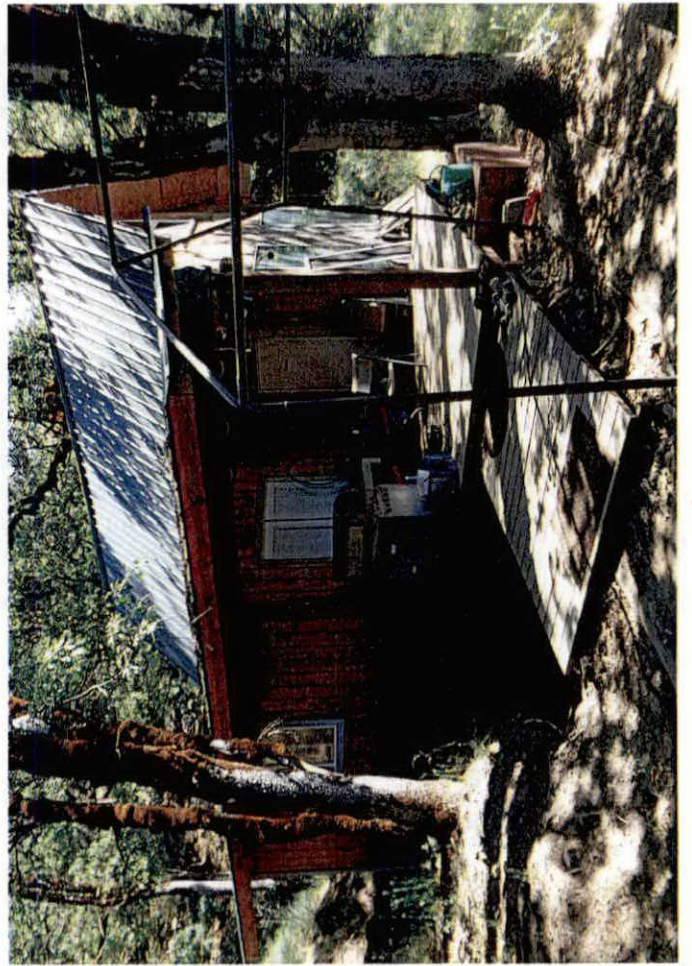
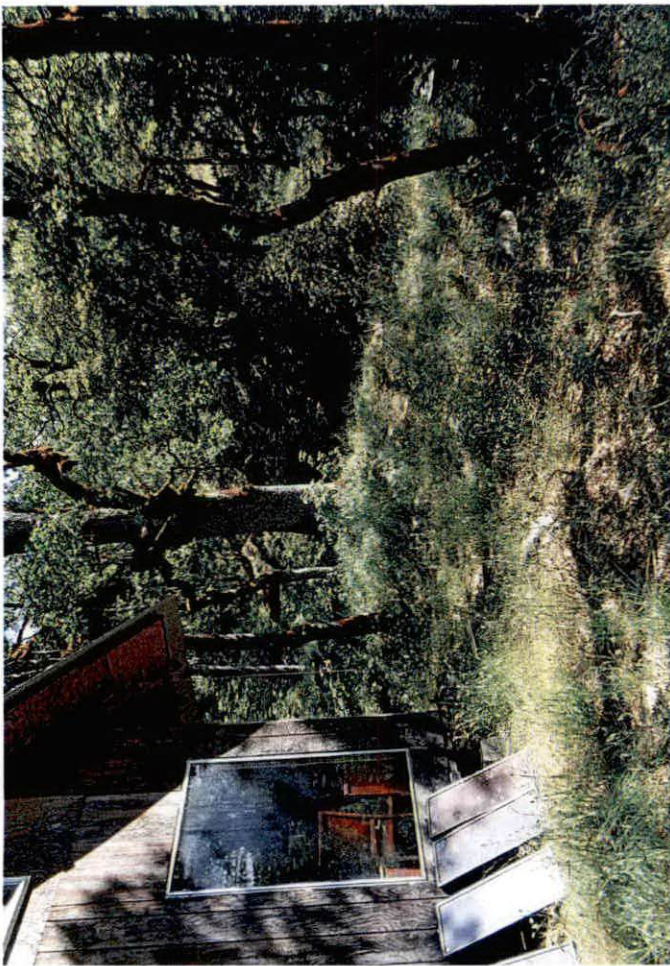


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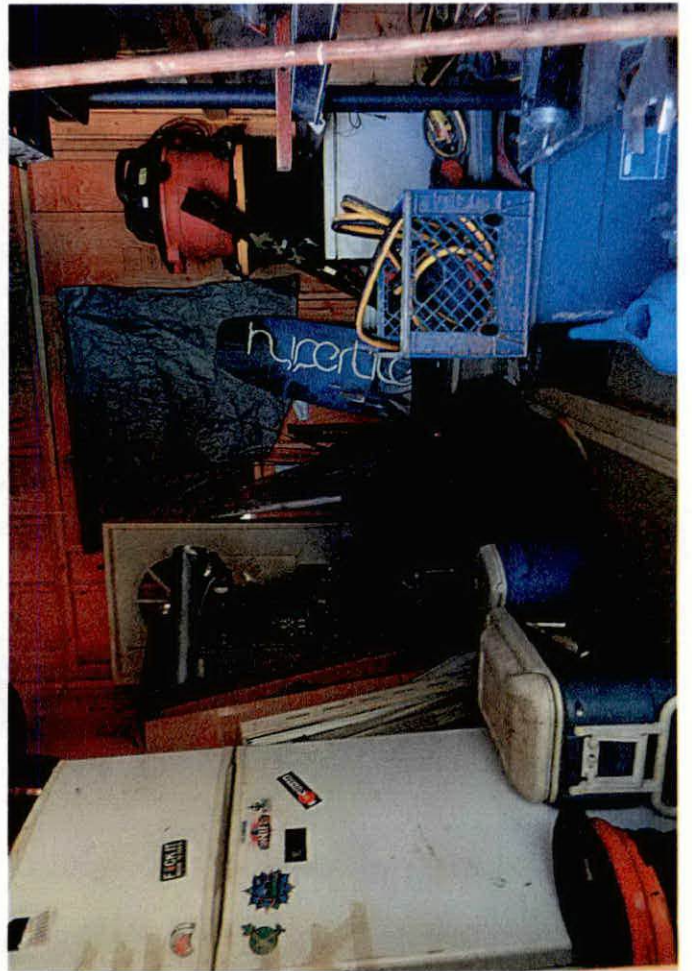
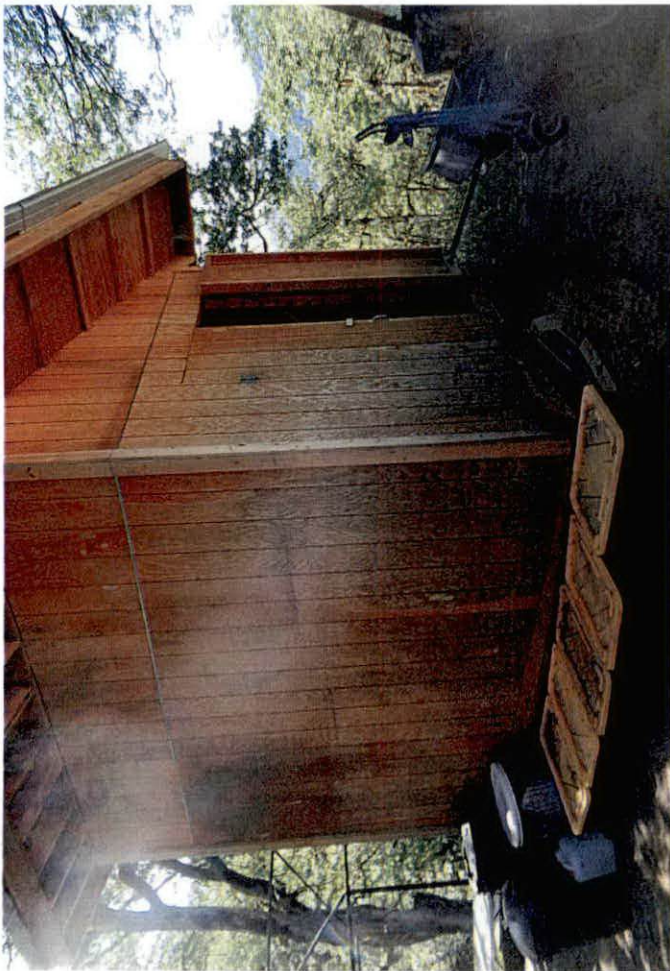


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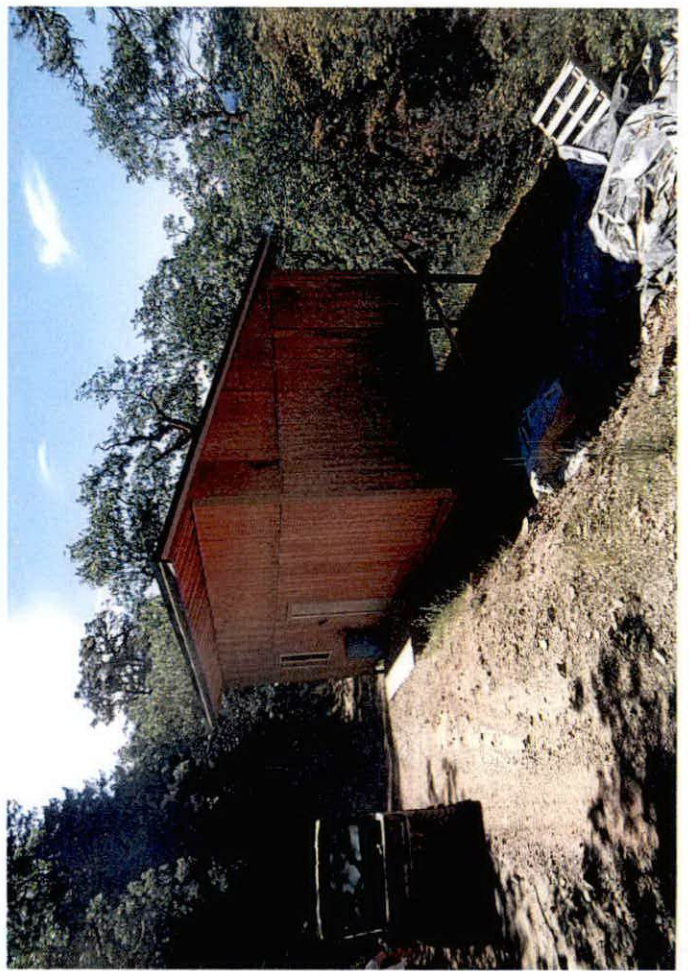


House



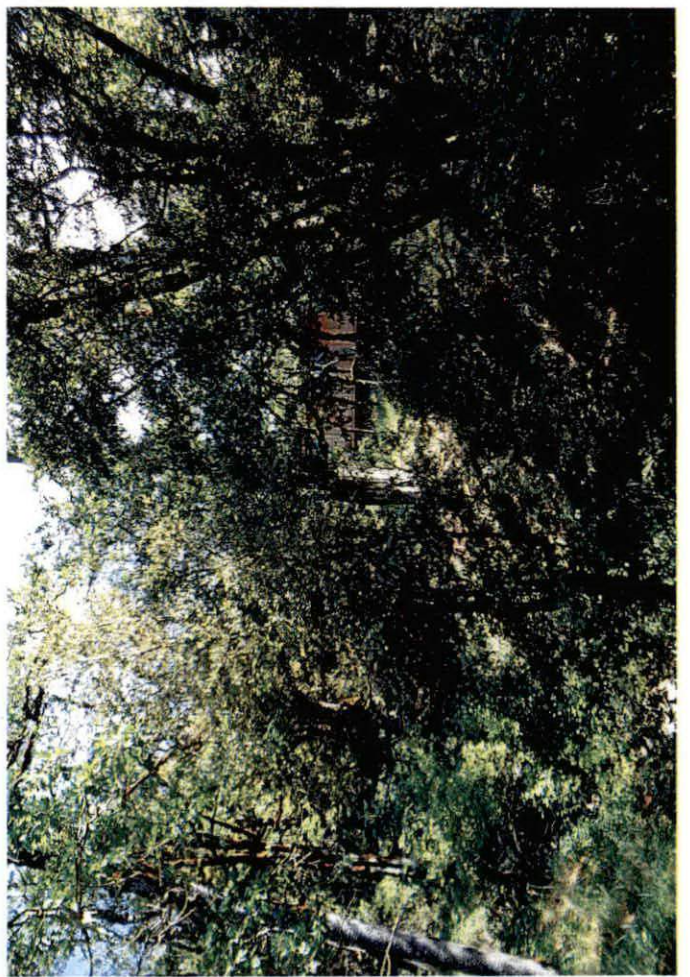
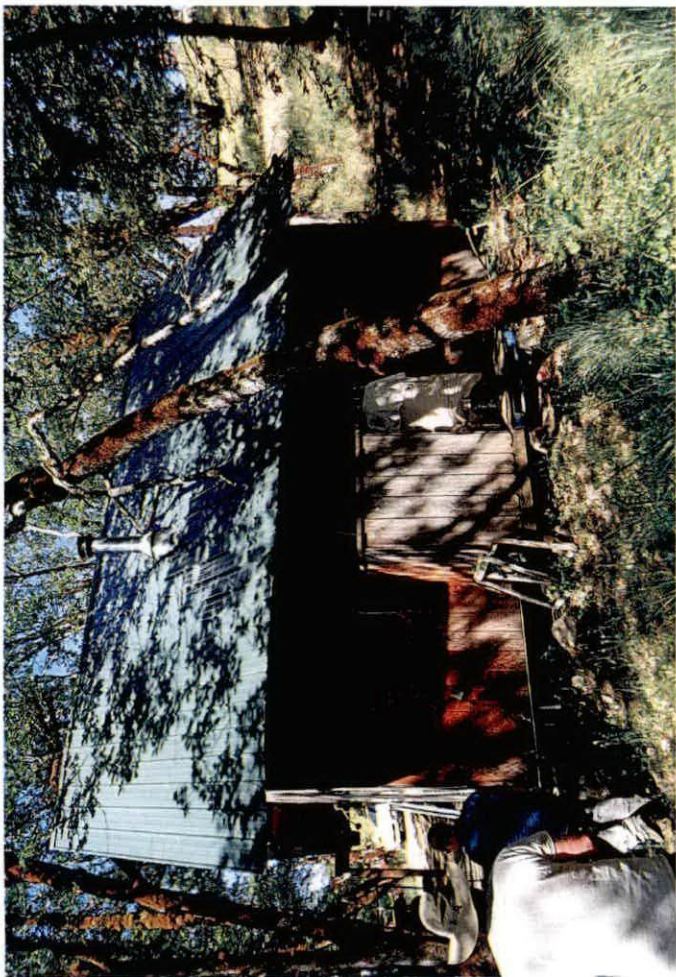
Storage shed @ House

Gen Shed B



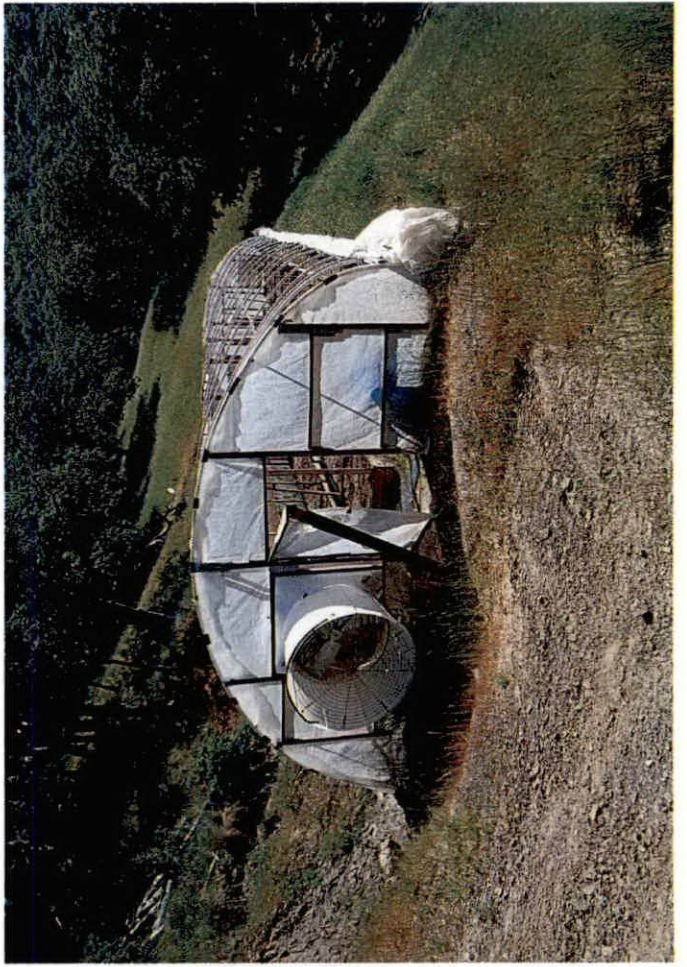
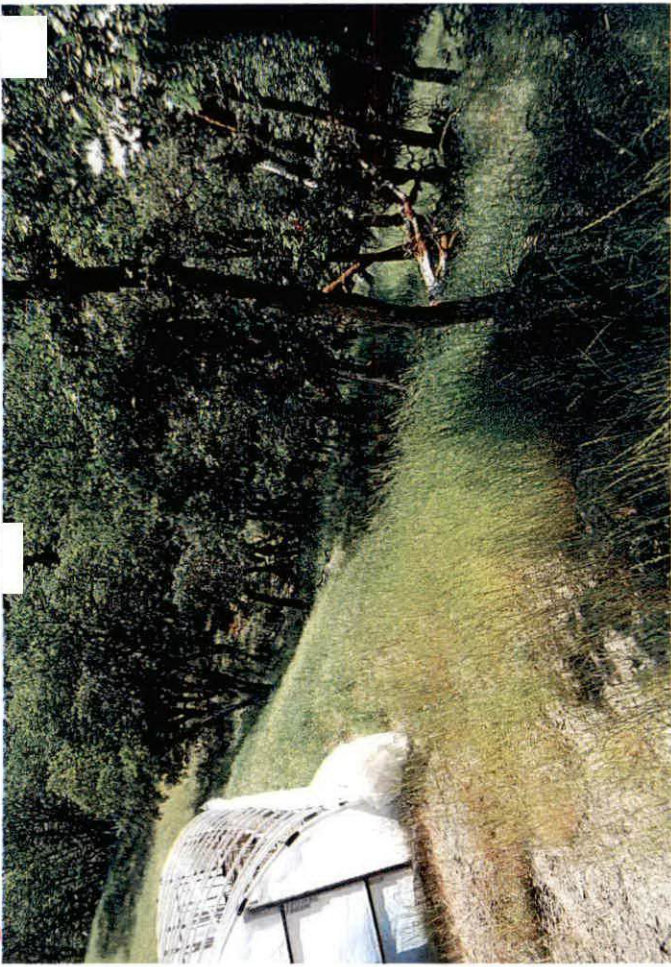
Drying Shed B

House

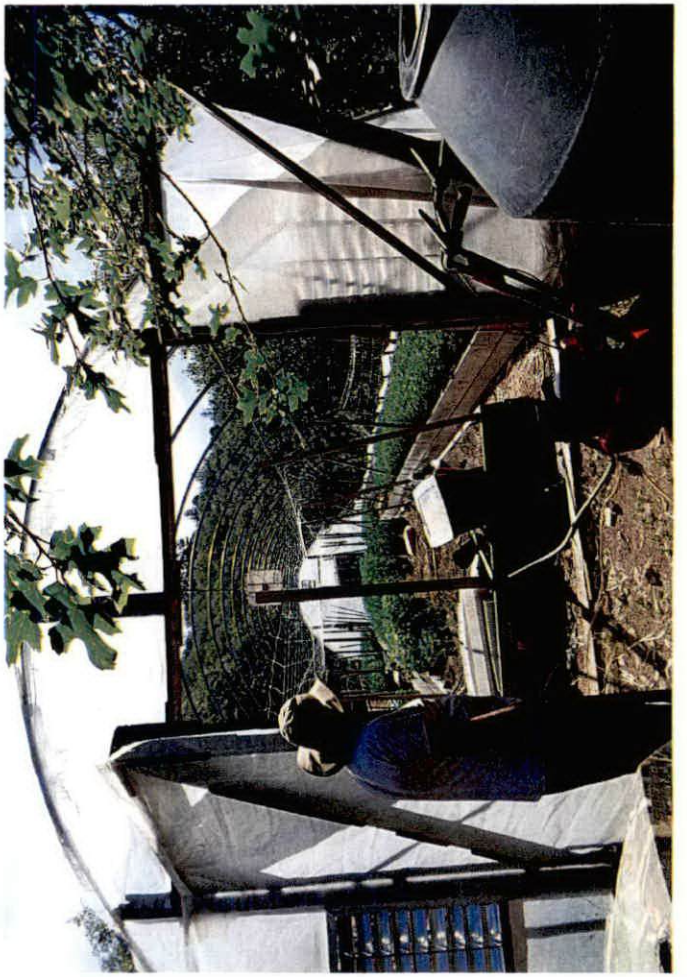


6/11/19 GD 208-241-007 11212

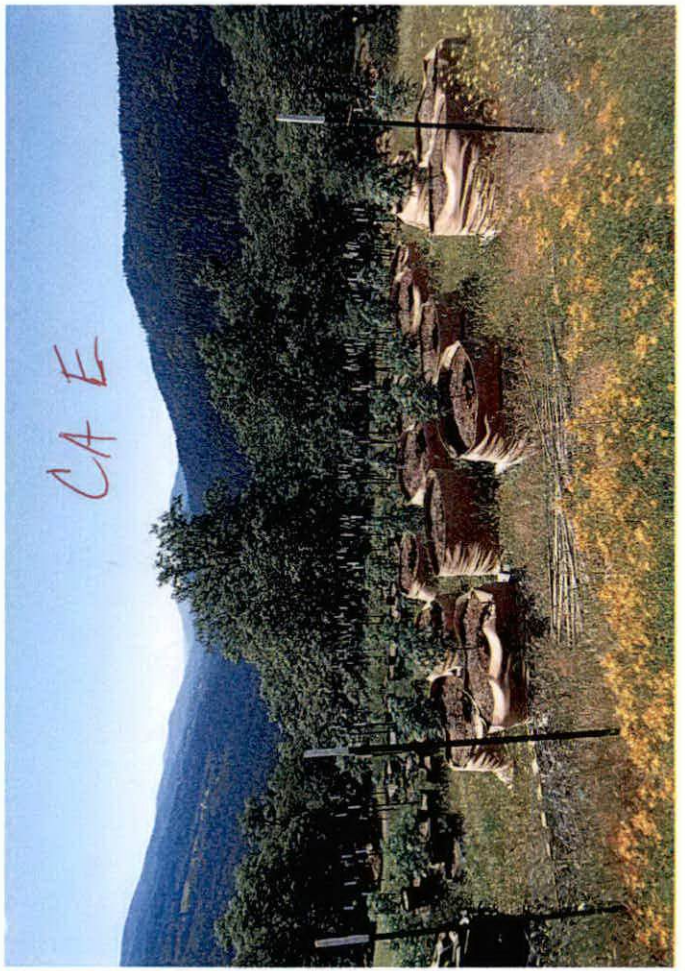
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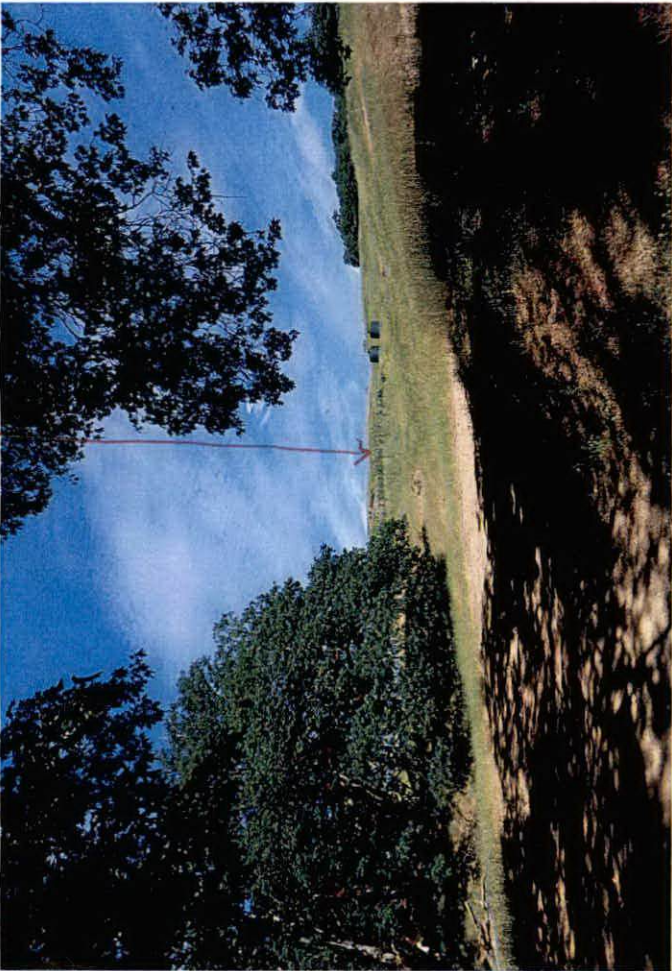


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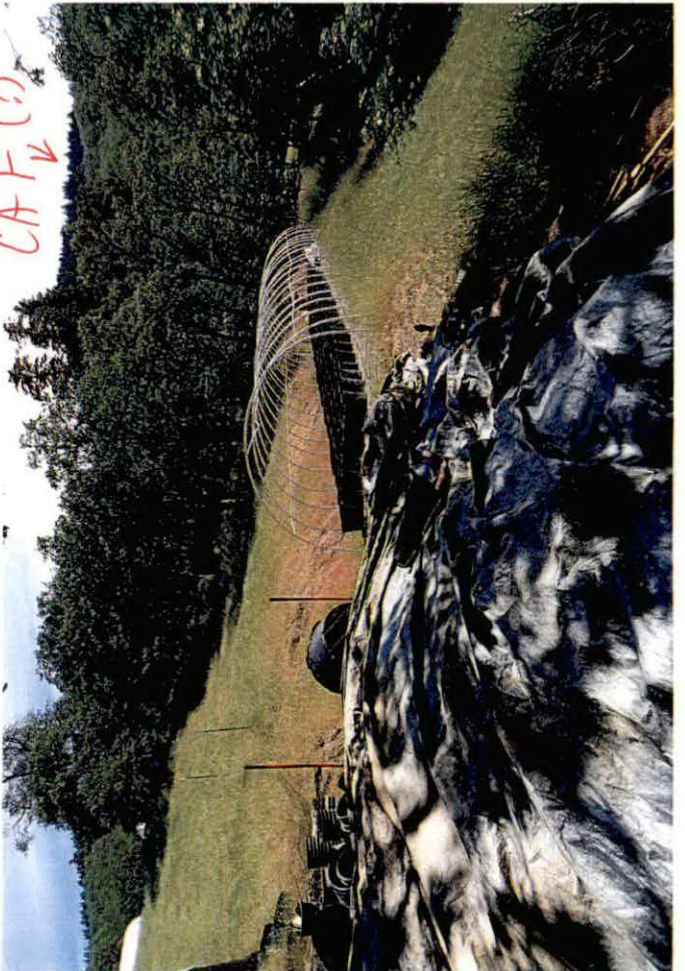


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CA F (?)

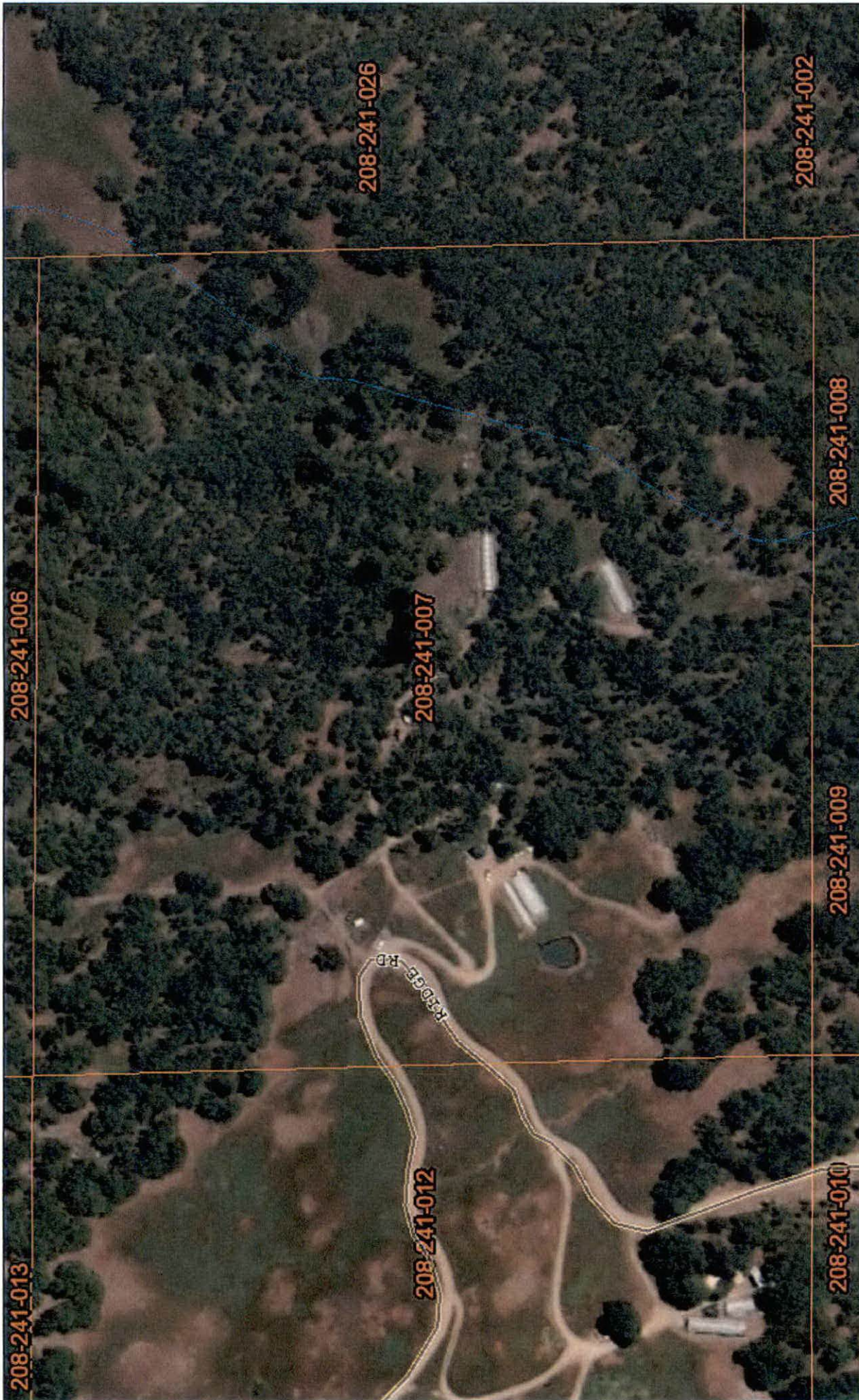


21e11

208-242-802

6/11/19 69 6/11/19



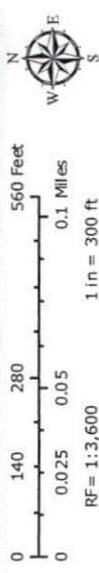


# 208-241-007-000

Humboldt County Planning and Building Department

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

- Highways and Roads**
- Private or Unclassified
  - Intermittent
  - Principal Arterials
  - Major River or Stream
  - Subsurface
  - Minor Arterials
  - Blue Line Streams
  - City Boundary
  - Major Collectors
  - Perennial 1-3
  - Minor Collectors
  - Perennial > 4
  - Local Roads
- Counties**
- Counties (Owners)
  - Parcels (Owners, no labels)



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



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

## PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

### APPLICATION INFORMATION

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

### OWNERS NAME AND MAILING ADDRESS

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

### SITE INFORMATION

**Parcel Number** 208-241-006-000 **Application Number** PLN-11212-CUP  
**Street Address** **City** **State** **Zip**

### PRESITE INVESTIGATION

<b>Project is already started</b> Yes	<b>AOB Inspection</b> Yes
<b>Soil report is required due to</b> Site Conditions	<b>Project appears to be within wet area</b> SMA
<b>Project is in flood zone A per</b> No	<b>FIRM panel number</b>
<b>Flood elevation certificate required</b> No	<b>Is 2nd Flood Certificate Required?</b> No
<b>Plans stamped by a licensed person required</b> Yes	<b>SRA requirements apply</b> Yes
<b>SRA water storage requirements apply</b> Yes	<b>Lot created prior to 1992</b>
<b>Appr.SRA req. need to be shown on plot plan</b> Yes	<b>Plot plan incomplete, must be revised</b> Yes
<b>Driveway slope appears to be</b> Under 16%	<b>Submit engineered foundation for</b> LPG storage tank
<b>Grading permit required</b> Yes	<b>Applicant must locate property lines</b> Yes
<b>Incomplete submittal Construction Plan</b> Yes	<b>Other concerns exist</b> Yes
<b>Erosion and sediment control measures req.</b> Designed by qualified person	

### Inspector Notes

6-14-19 G. Dumler  
Planning referral comments  
Revise plot plan to show all structures, dimensions, uses, ponds, and grading.  
Revise plot plan to show all Streamside Management Areas, and ponds, include setbacks to structures.  
Revise plot plan to show all graded areas.  
Building permit comments  
Submit 2 complete sets of AOB building plans for all buildings  
Submit soils report addressing buildings and grading due to original slope greater than 15%  
Submit grading, erosion, sediment control plans by CA licensed engineer  
Submit floor and electrical plans for all greenhouses  
Submit Ag exempt letters of intent for all ag structures  
Submit engineered pad/ foundation/ LP tank.  
Identify property lines with recorded monuments or provide a letter from licensed surveyor verifying setbacks to property lines.

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





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

### PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

#### APPLICATION INFORMATION

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

#### OWNERS NAME AND MAILING ADDRESS

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

#### SITE INFORMATION

**Parcel Number** 208-241-006-000 **Application Number** PLN-11212-CUP  
**Street Address** **City** **State** **Zip**

#### PRESITE INVESTIGATION

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

#### Inspector Notes

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

PLN-11212-C... ○ **STATUS** > Staff Report 02/28/2021 by... **LOCATION** > None Provided **CONTACT** > MDRV Realty ... **WORKFLOW** > 16 total Task ●...

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (7)

Payment

[Workflow History \(32\)](#)

[Comments \(8\)](#)

[Documents \(38\)](#)

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

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**



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

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

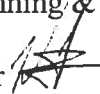
AVIATION 839-5401

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

RE:

<b>Applicant Name</b>	<b>BRIAN SOUTHARD</b>
<b>APN</b>	<b>208-241-006, -007</b>
<b>APPS#</b>	<b>11212-CUP</b>

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

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

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

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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

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// END //

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

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

[X] YES [ ] NO

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

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

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

[ ] YES [ ] NO

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

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

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

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

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

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

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

If YES, include the following requirement:

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

**Additional Review is Required by Planning & Building Staff**

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

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

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

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

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

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

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

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

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

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

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

// END //



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

4/26/2019

**Project Referred To The Following Agencies:**

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

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

**Application (APPS#)** PLN-11212-CUP Historic Planning **Assigned Planner** Elizabeth Schatz

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

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

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

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

**Return Response No Later Than: 5/11/2019**

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

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

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

Other Comments: SUR-H100251

DATE: 4.29.19 PRINT NAME: DYANA McPherson

**ATTACHMENT 5**  
**PUBLIC COMMENTS**



To: Magan Acevedo.

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

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

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

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

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

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

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

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

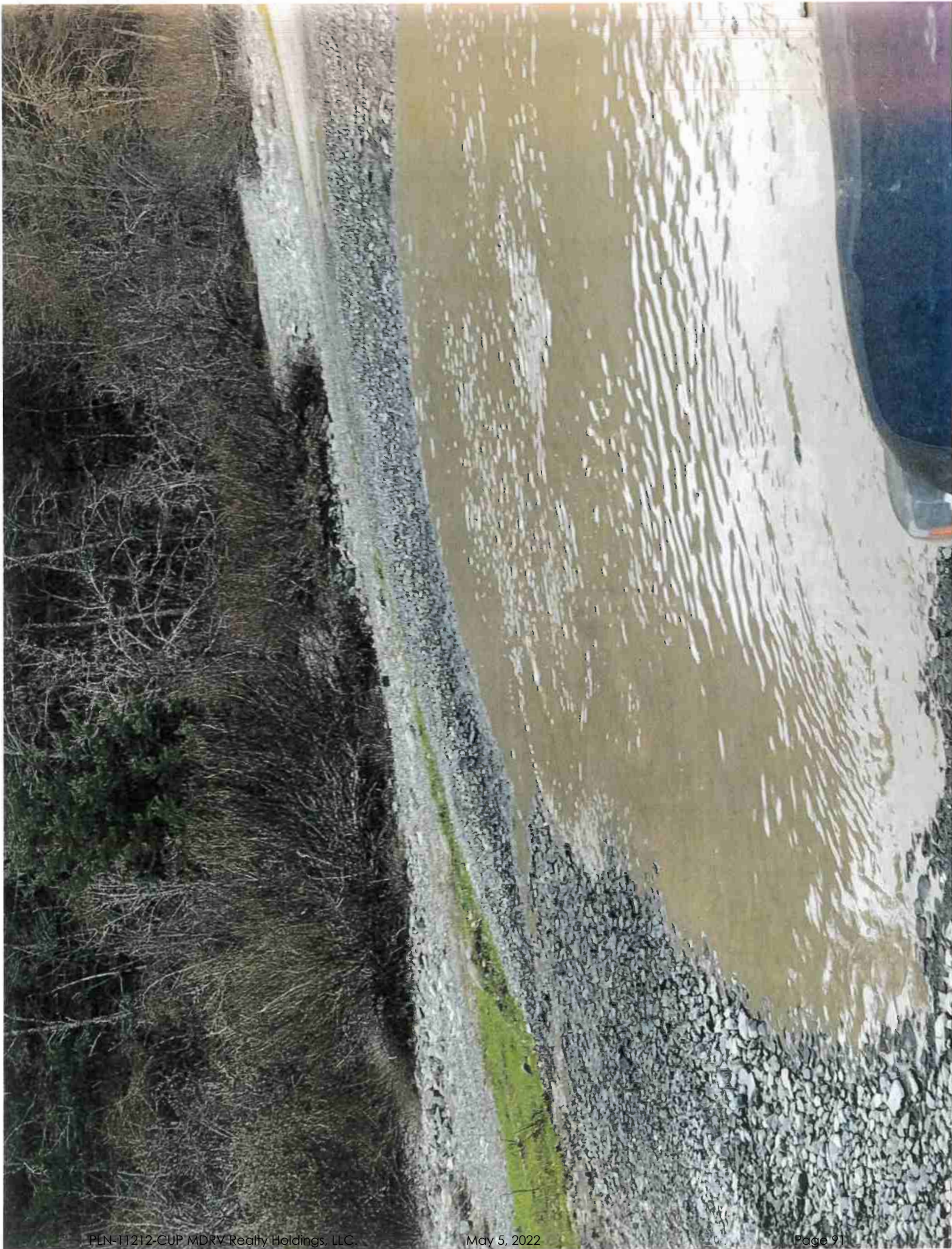
Light pollution at night from greenhouses, generator noise, constant traffic, dust and noise on bad private road that they don't maintain has been a plague for this once scenic and tranquil national forest hillside neighborhood since 2016 when interim permits were given to purely self- planned, self-regulated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

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

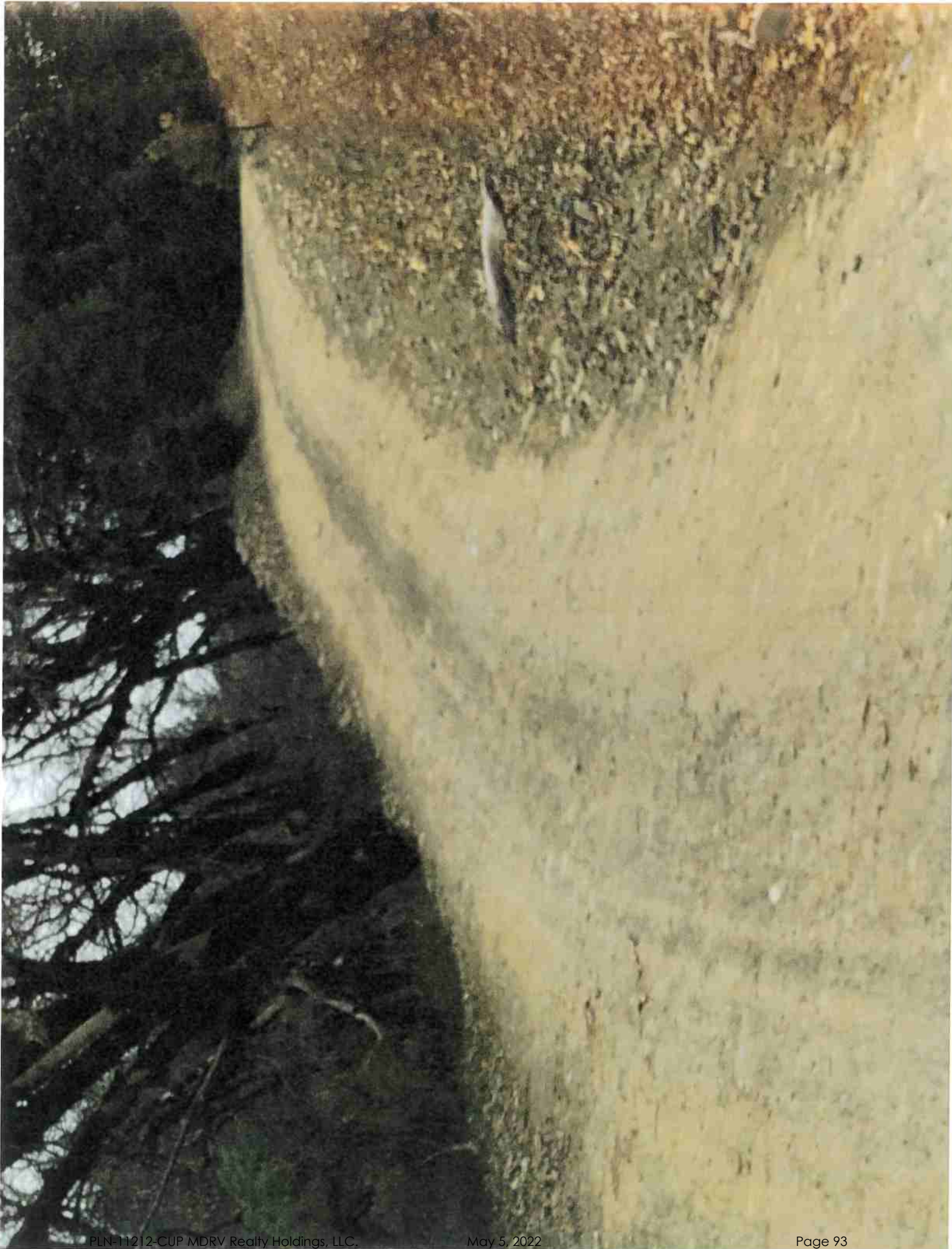
Anonymous

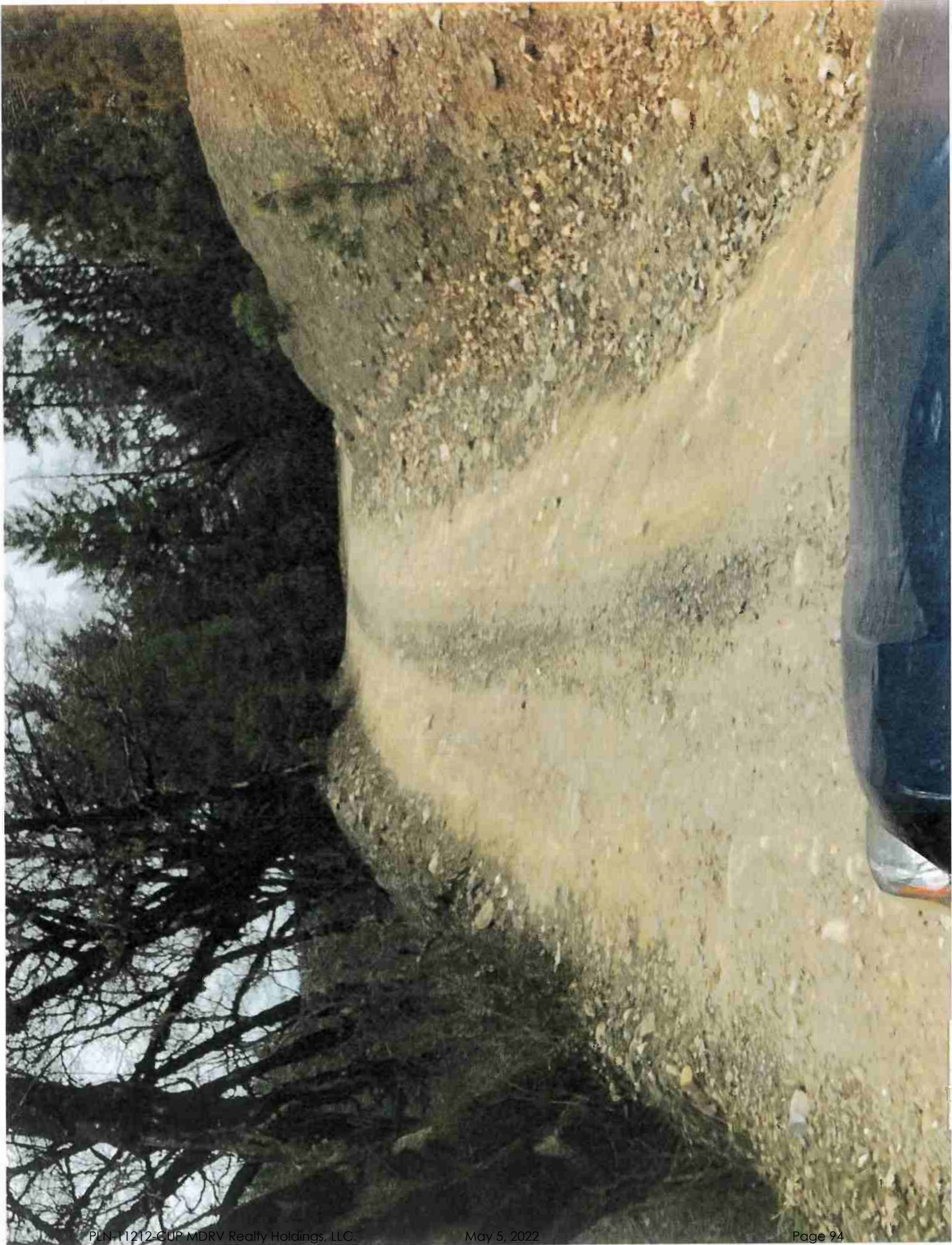
On Wed, Mar 2, 2022 at 22:43 Anonymous wrote:

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

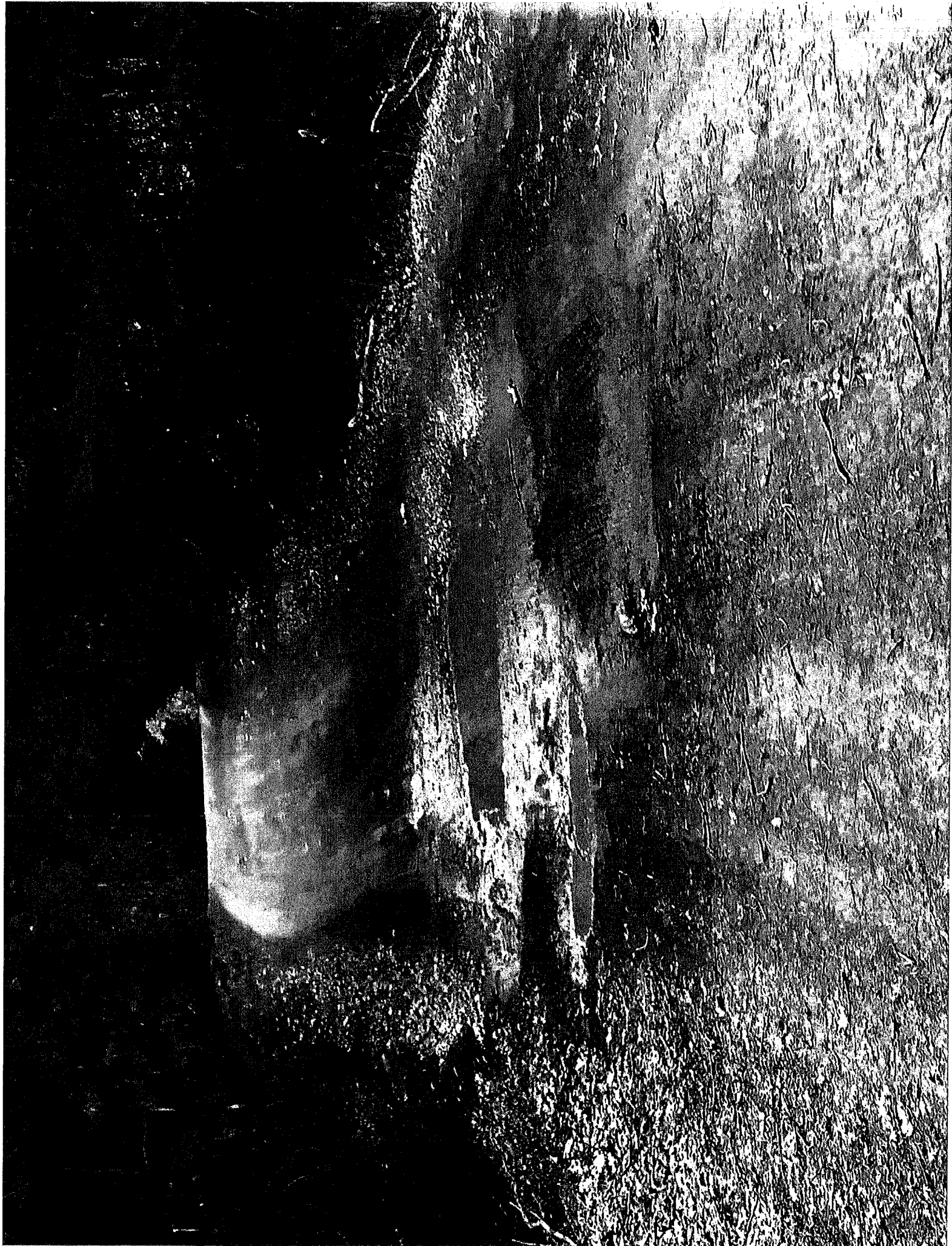




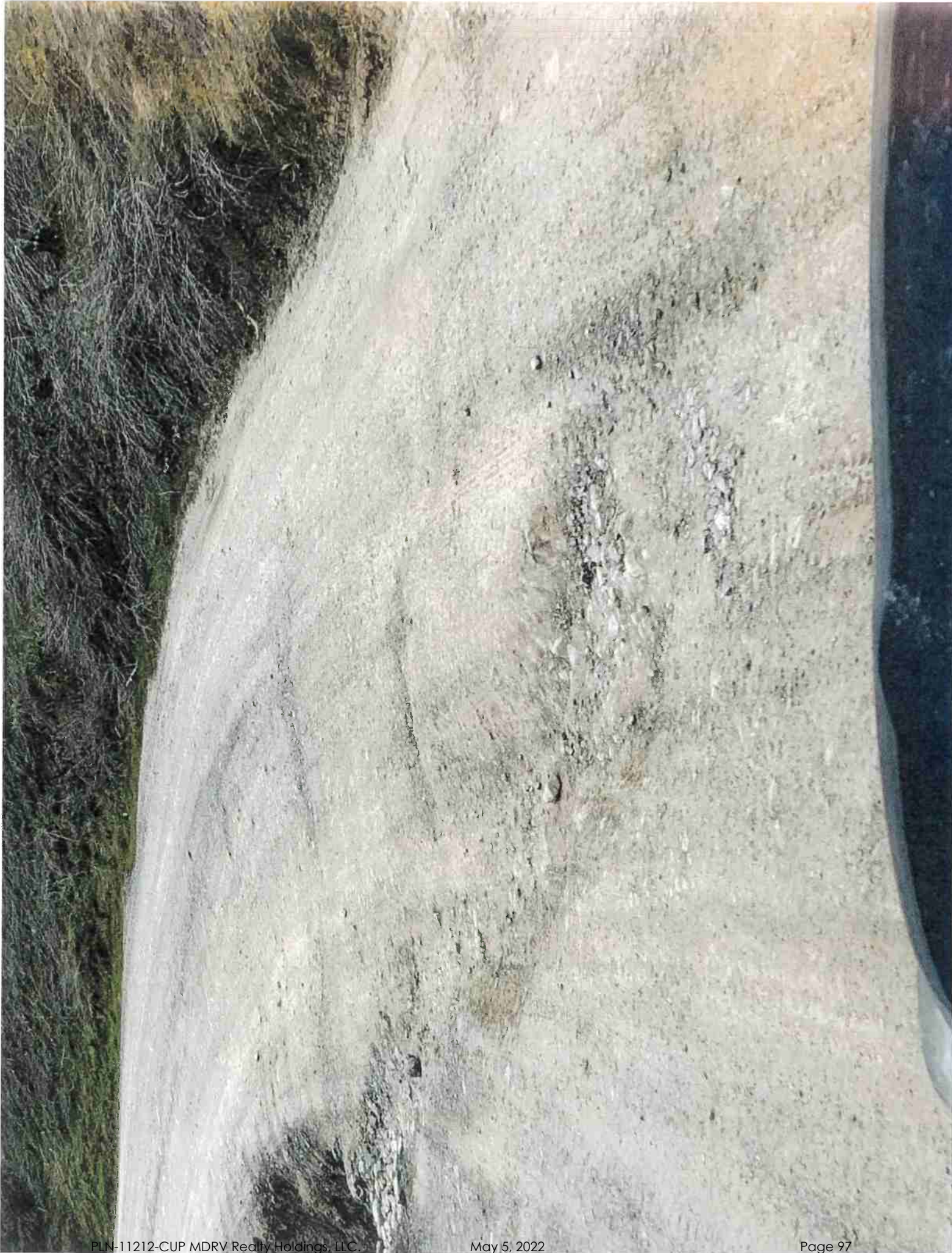


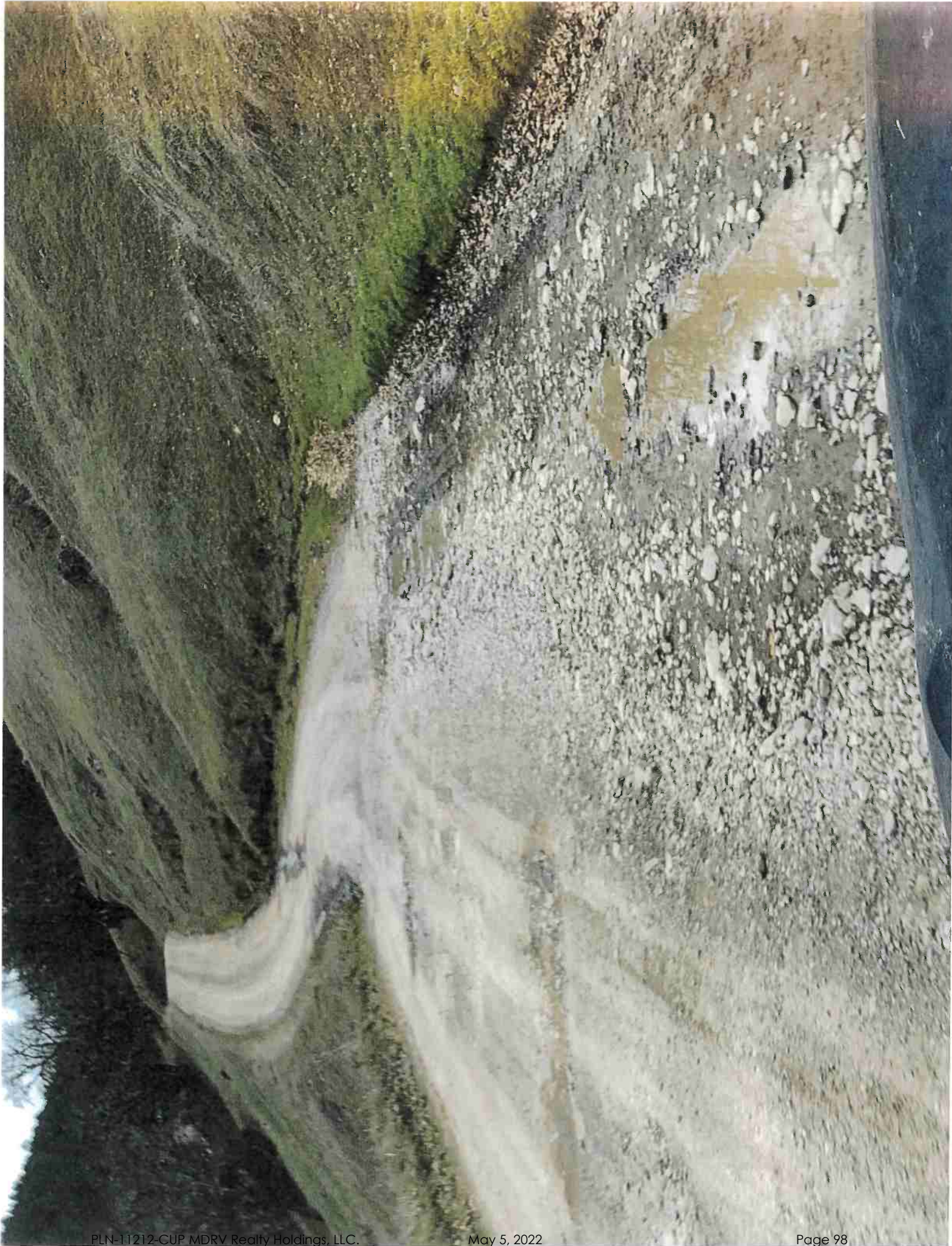


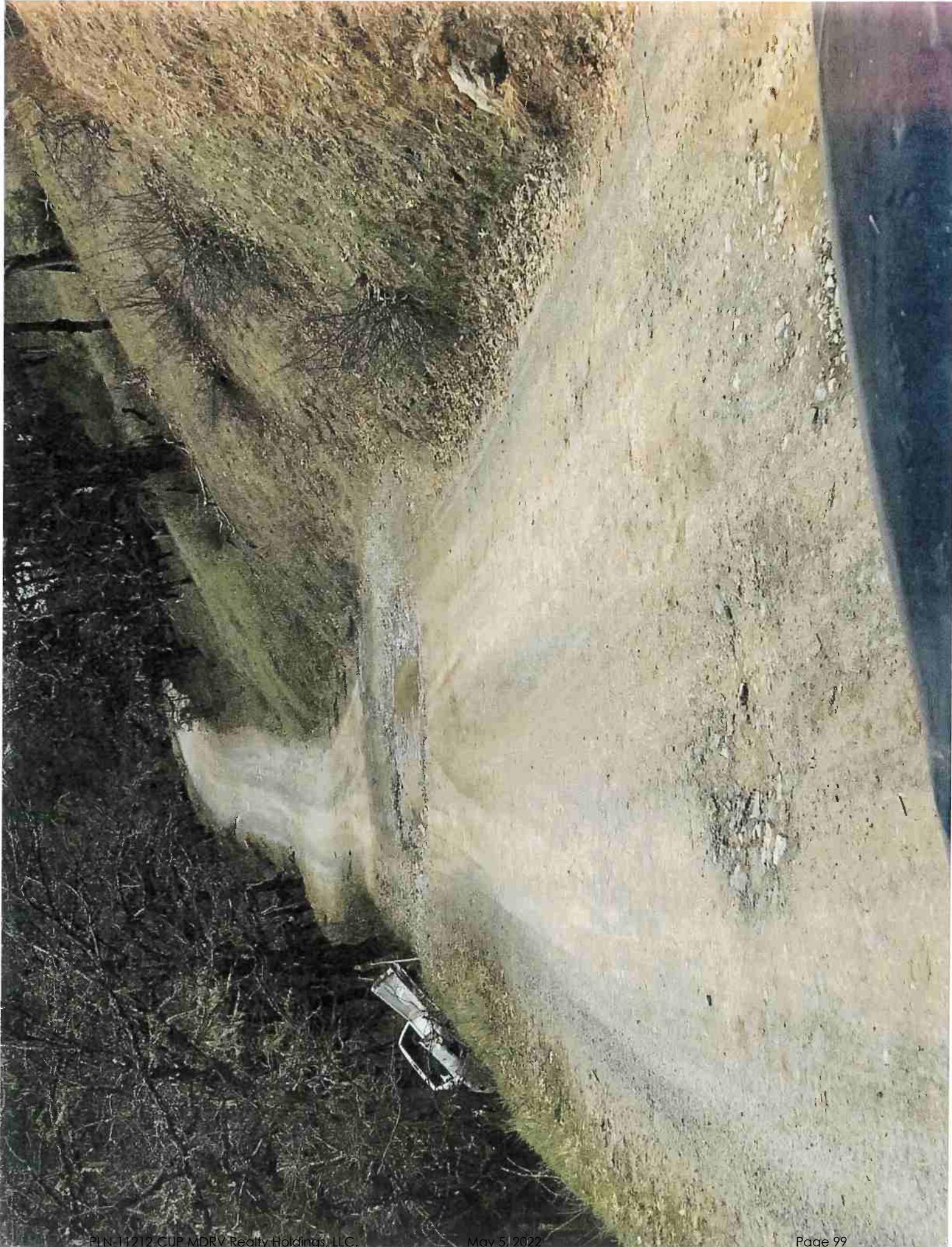






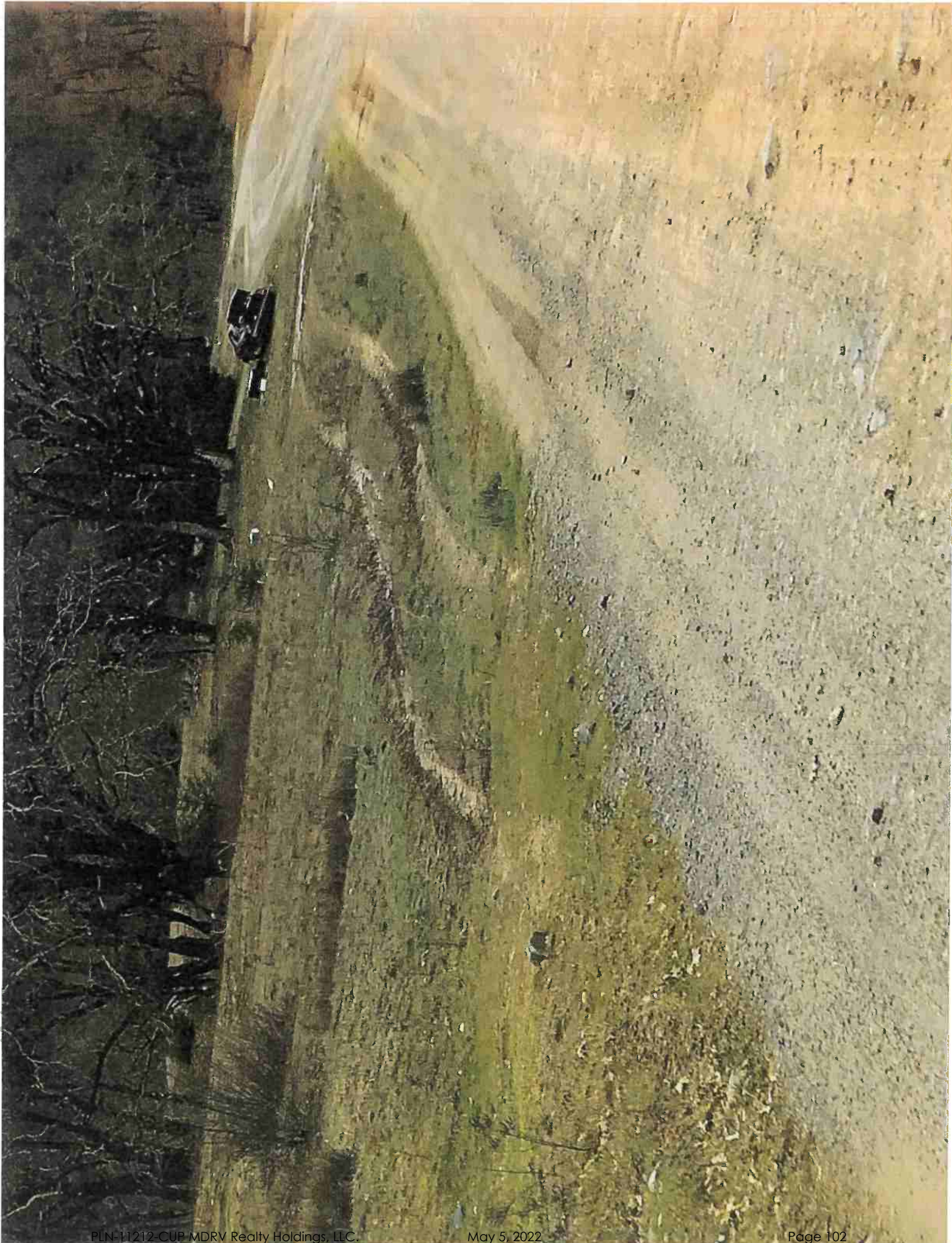




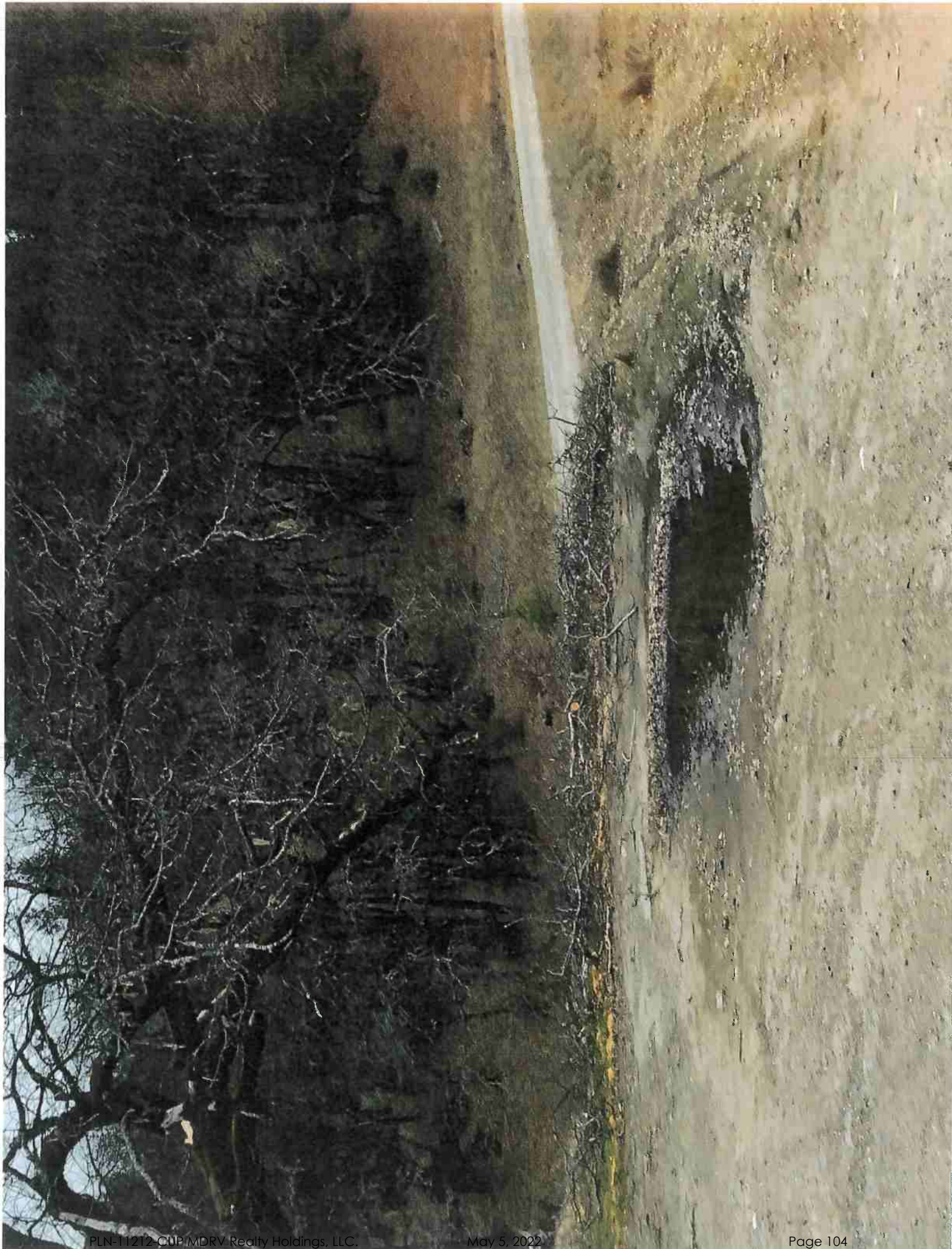




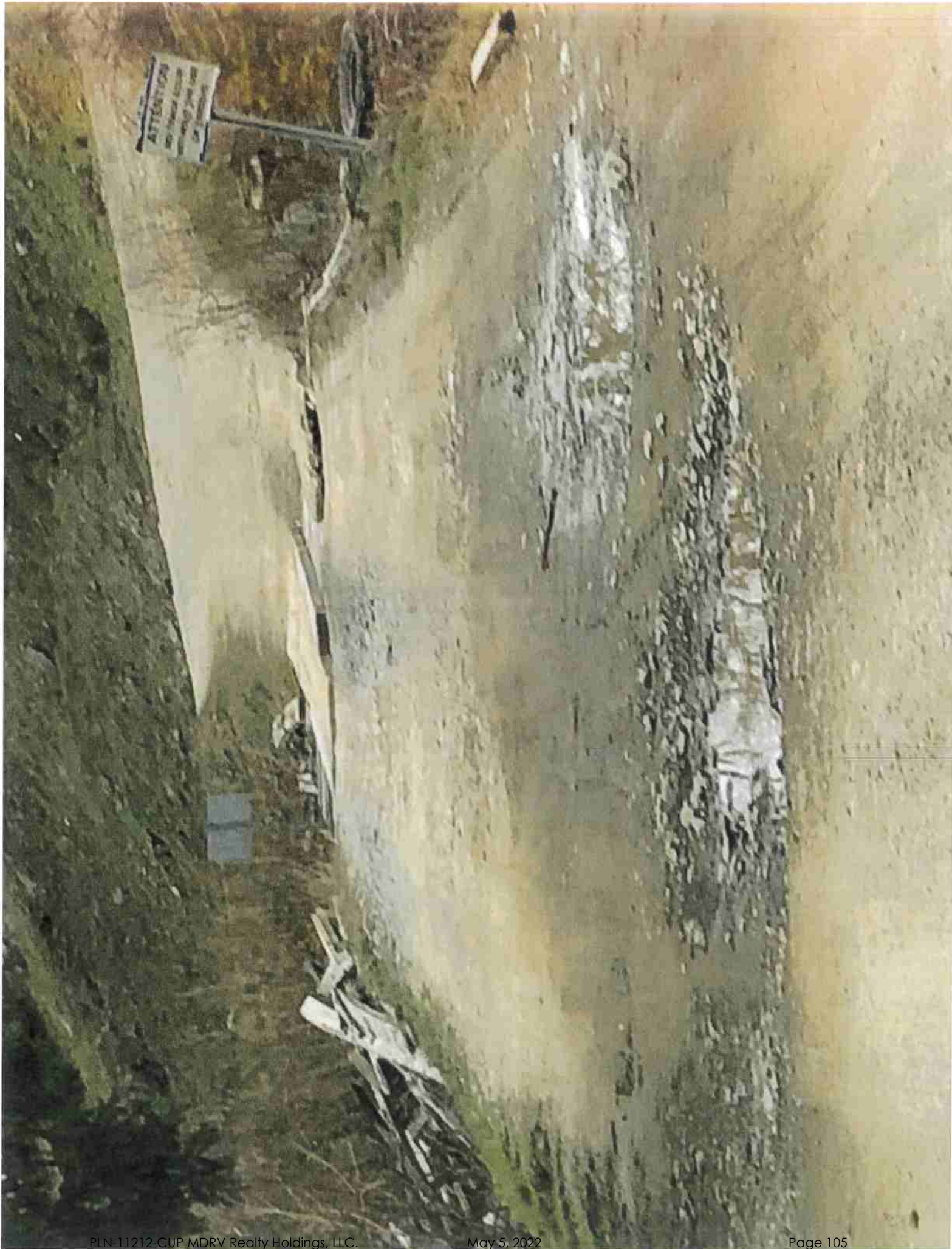


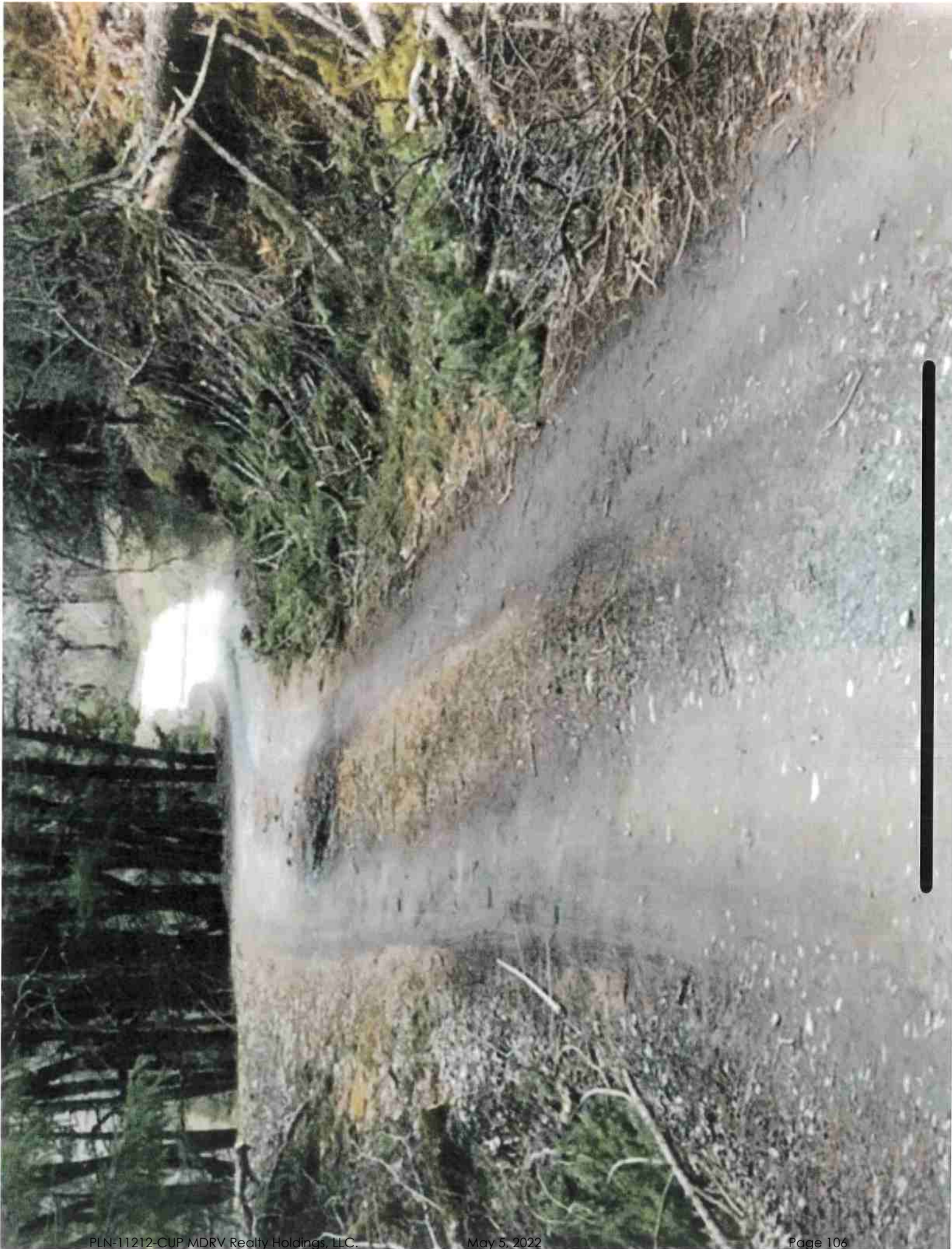
















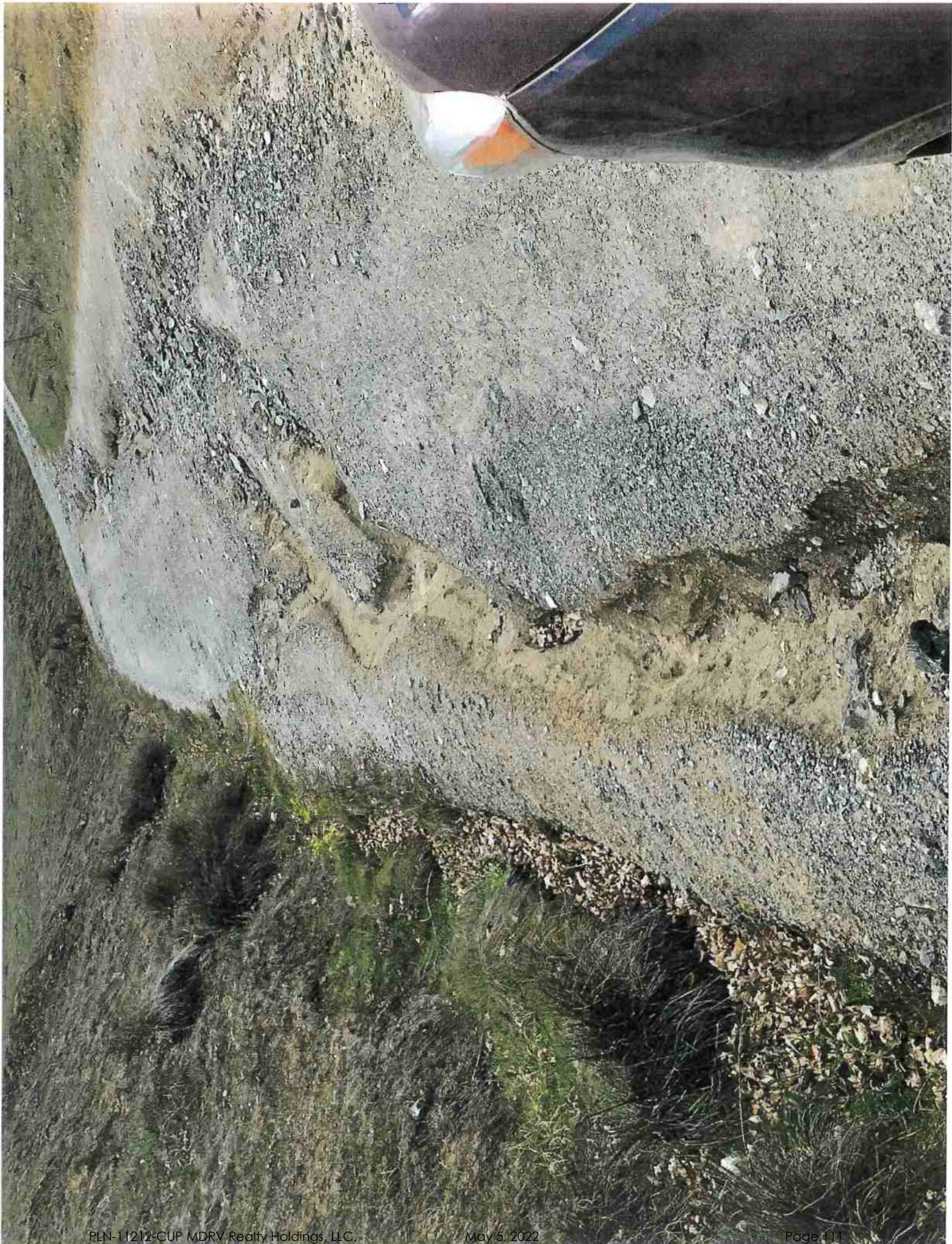


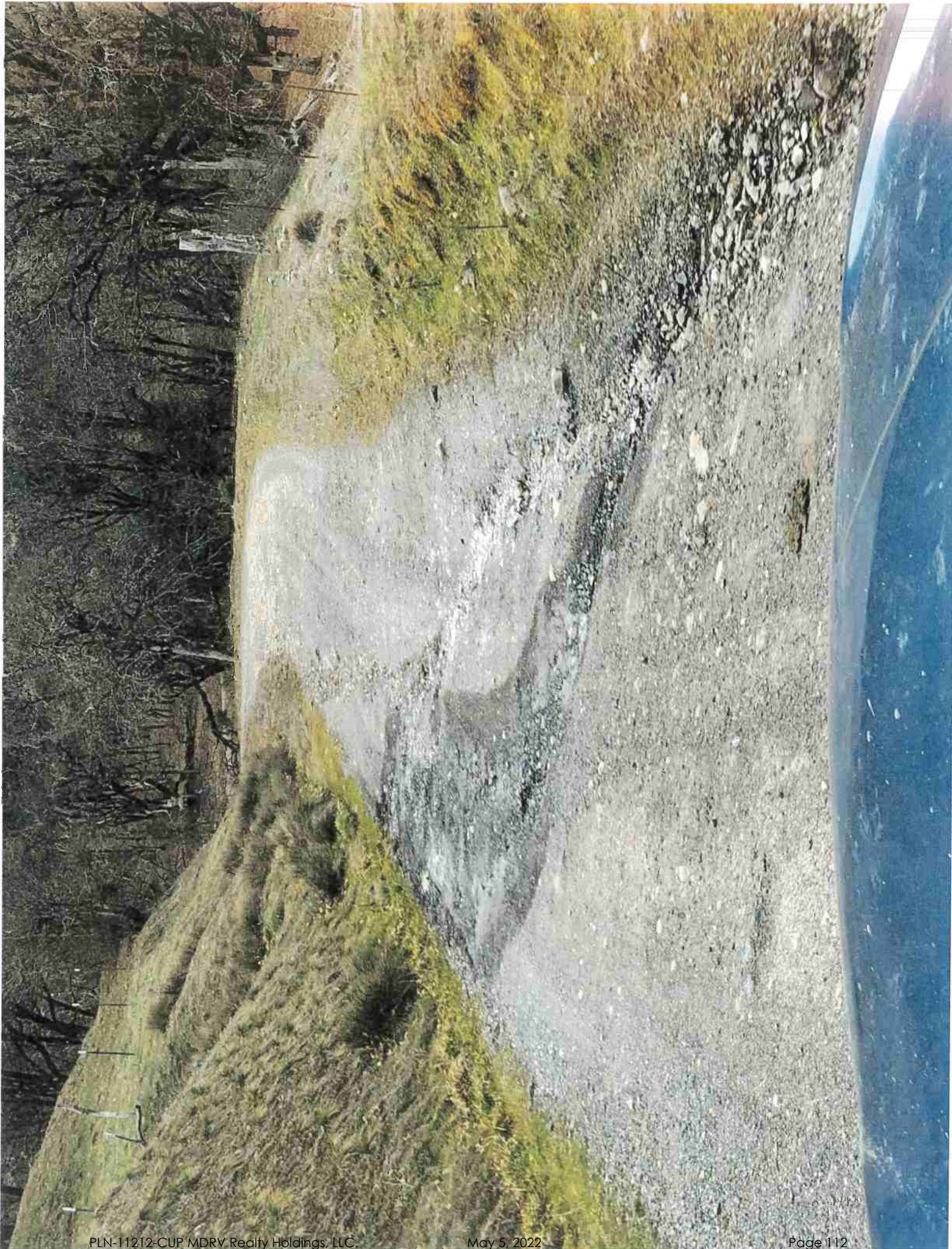
**Acevedo, Megan**

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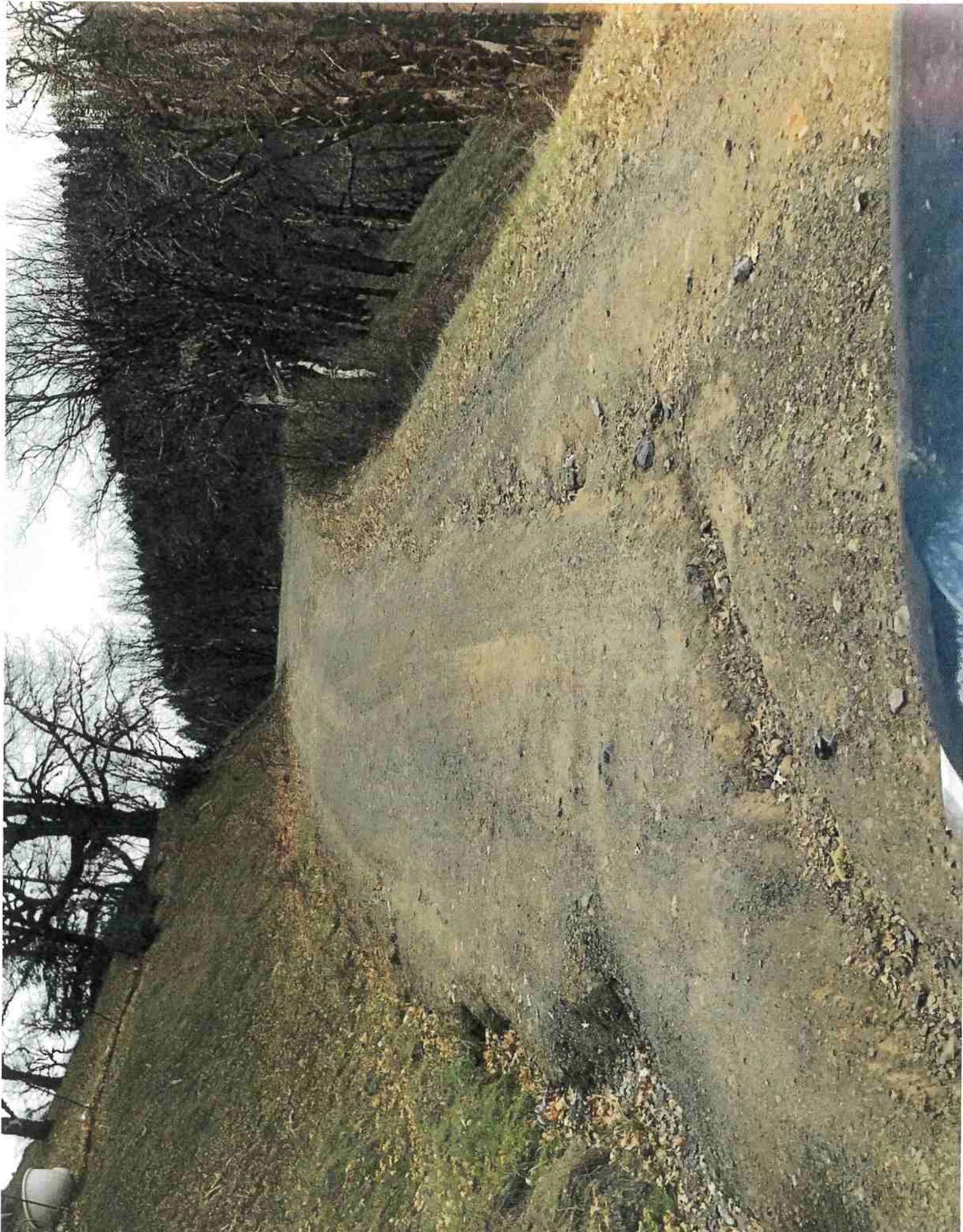
**From:** Anonymous  
**Sent:** Wednesday, March 02, 2022 11:10 PM  
**To:** Acevedo, Megan  
**Subject:** Re: MDRV Realty Holdings, LLC PLN-11214-SP and PLN-11212-CUP

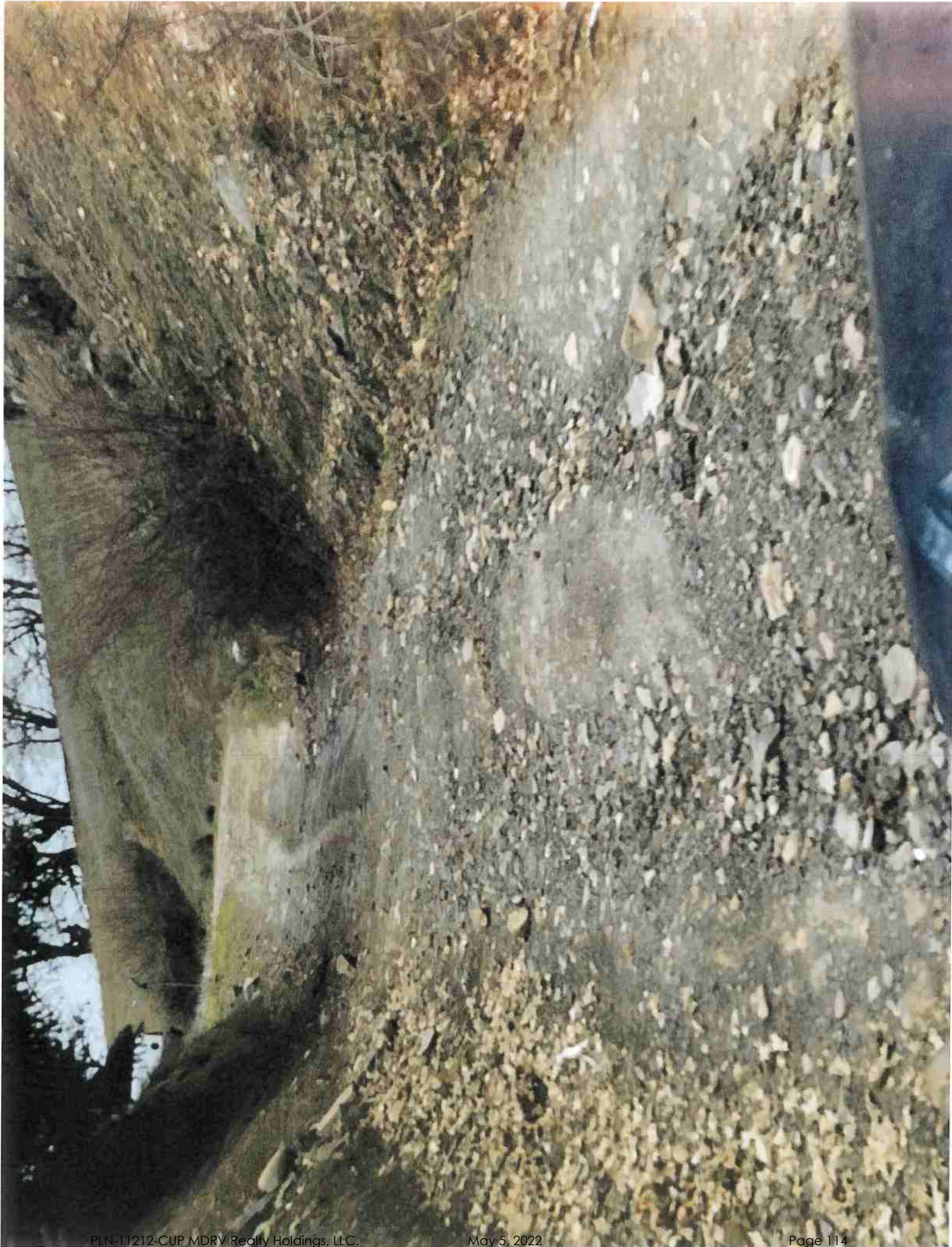
Here is the pictures from Mad river road up the ridge road to the top of parcel 006



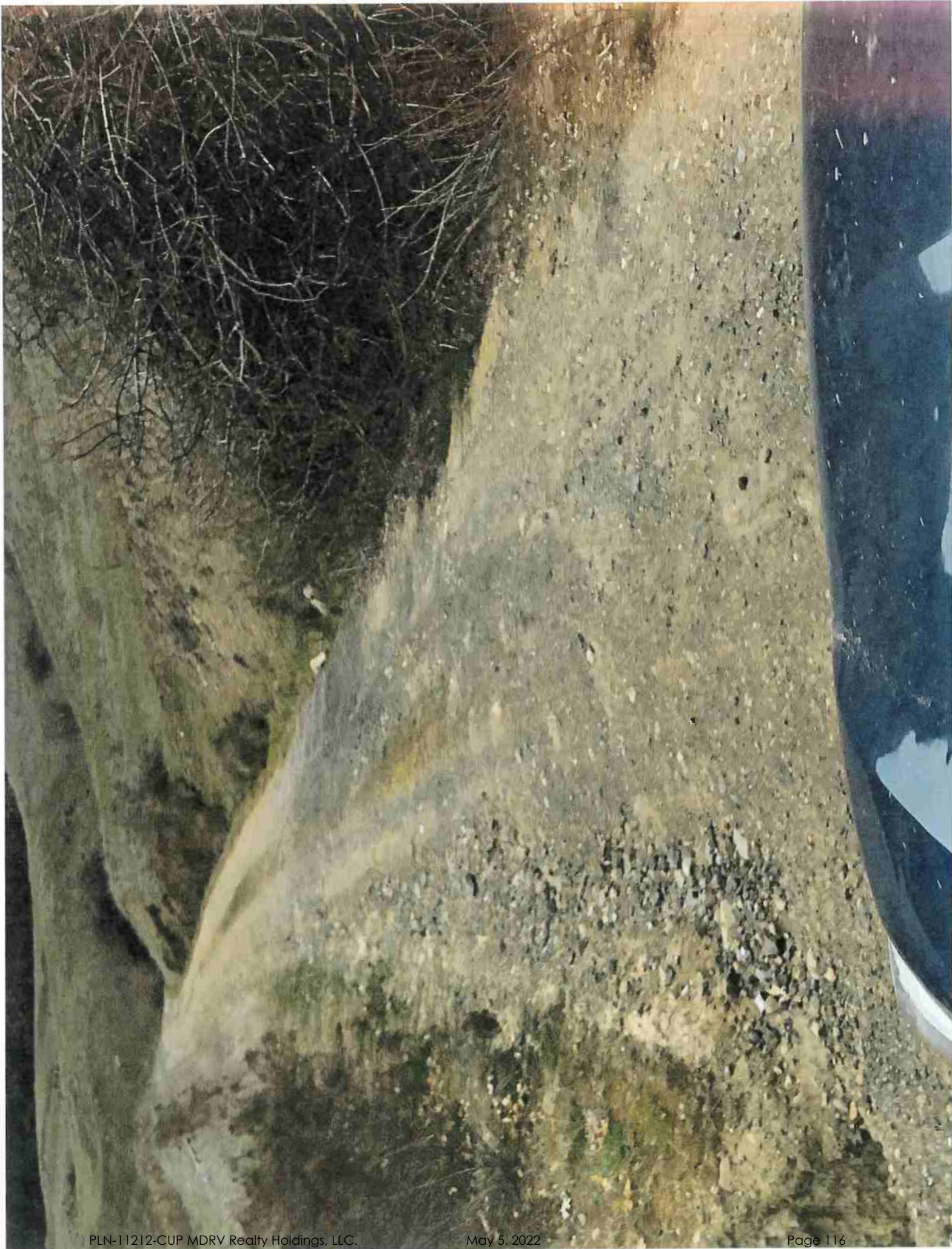






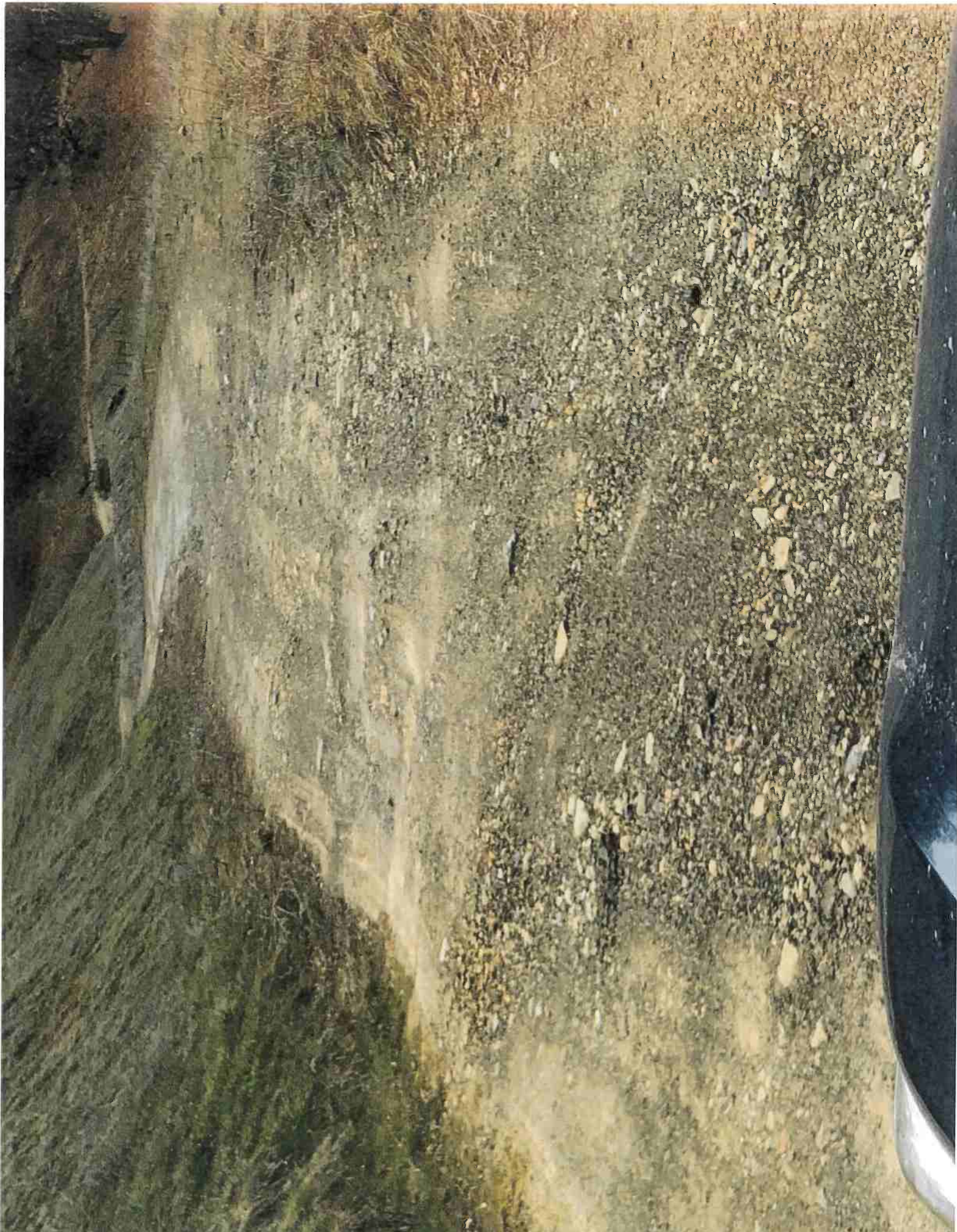


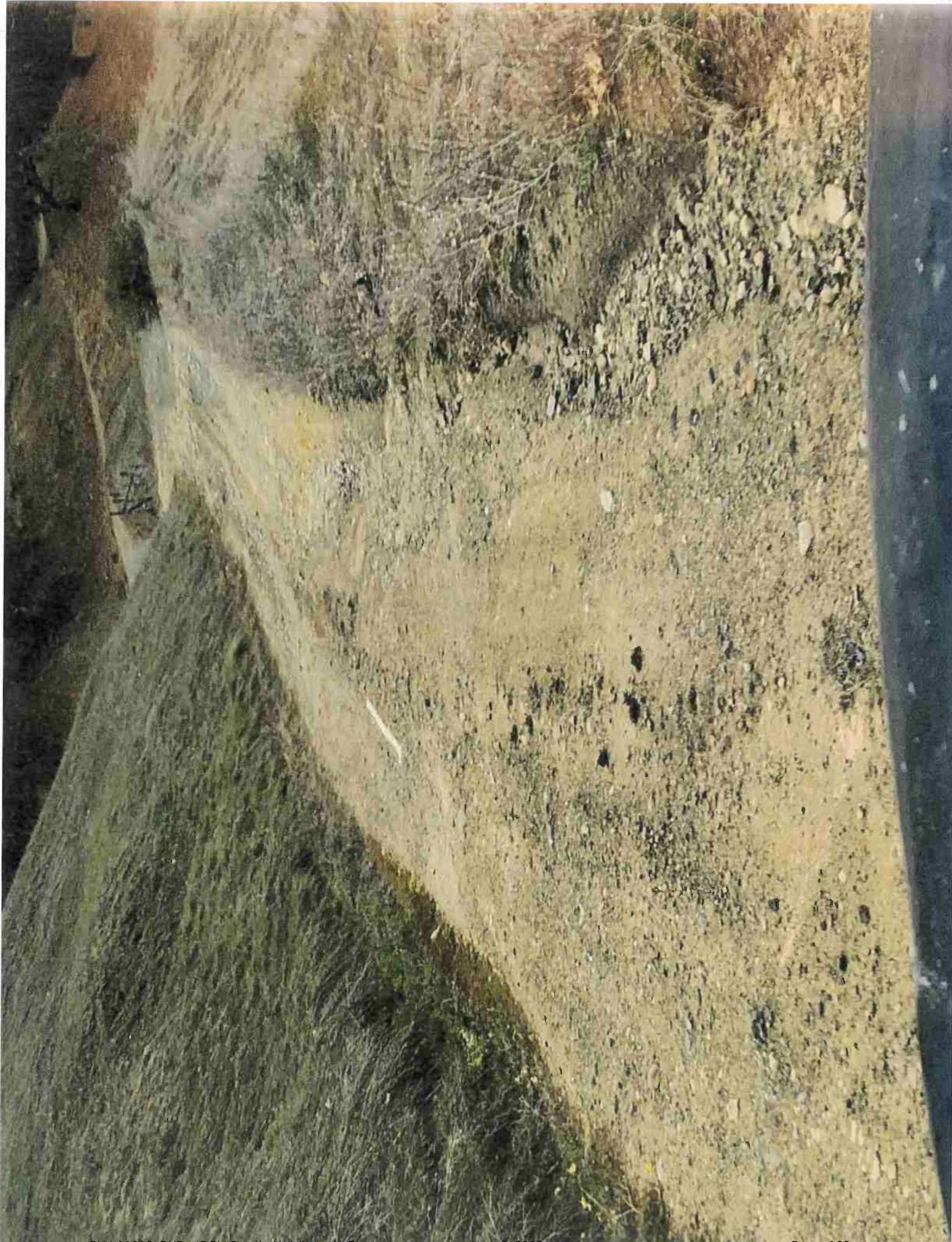






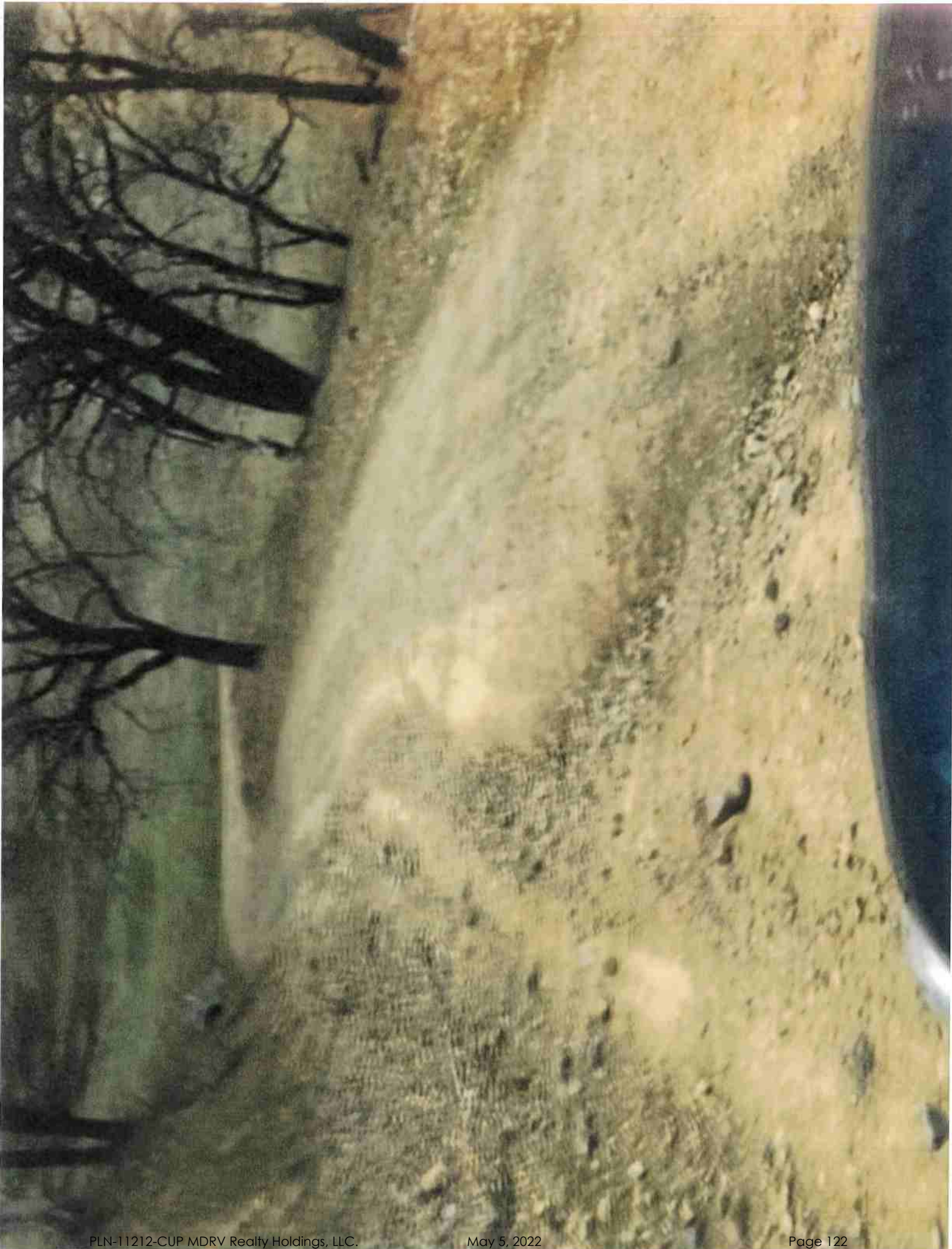


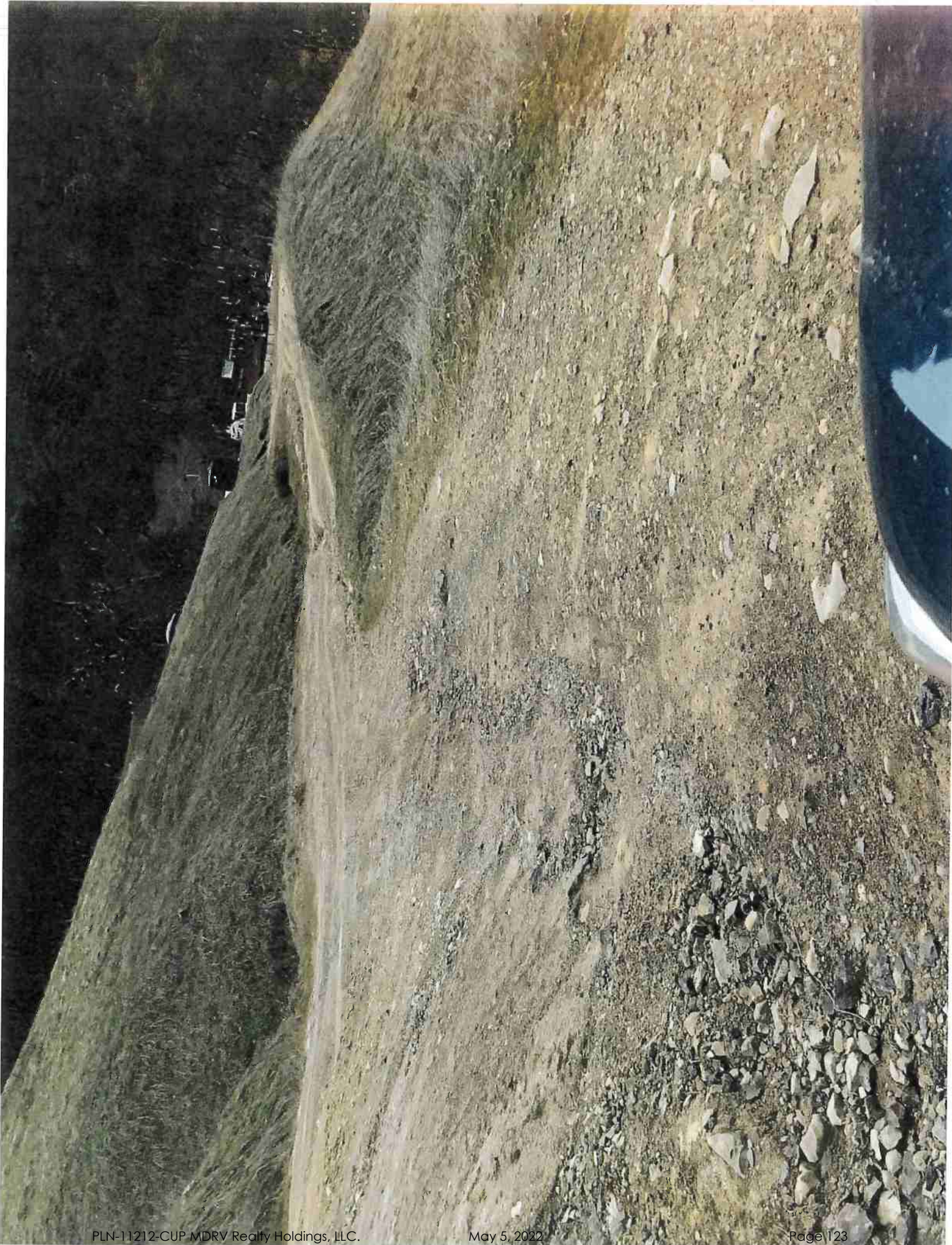


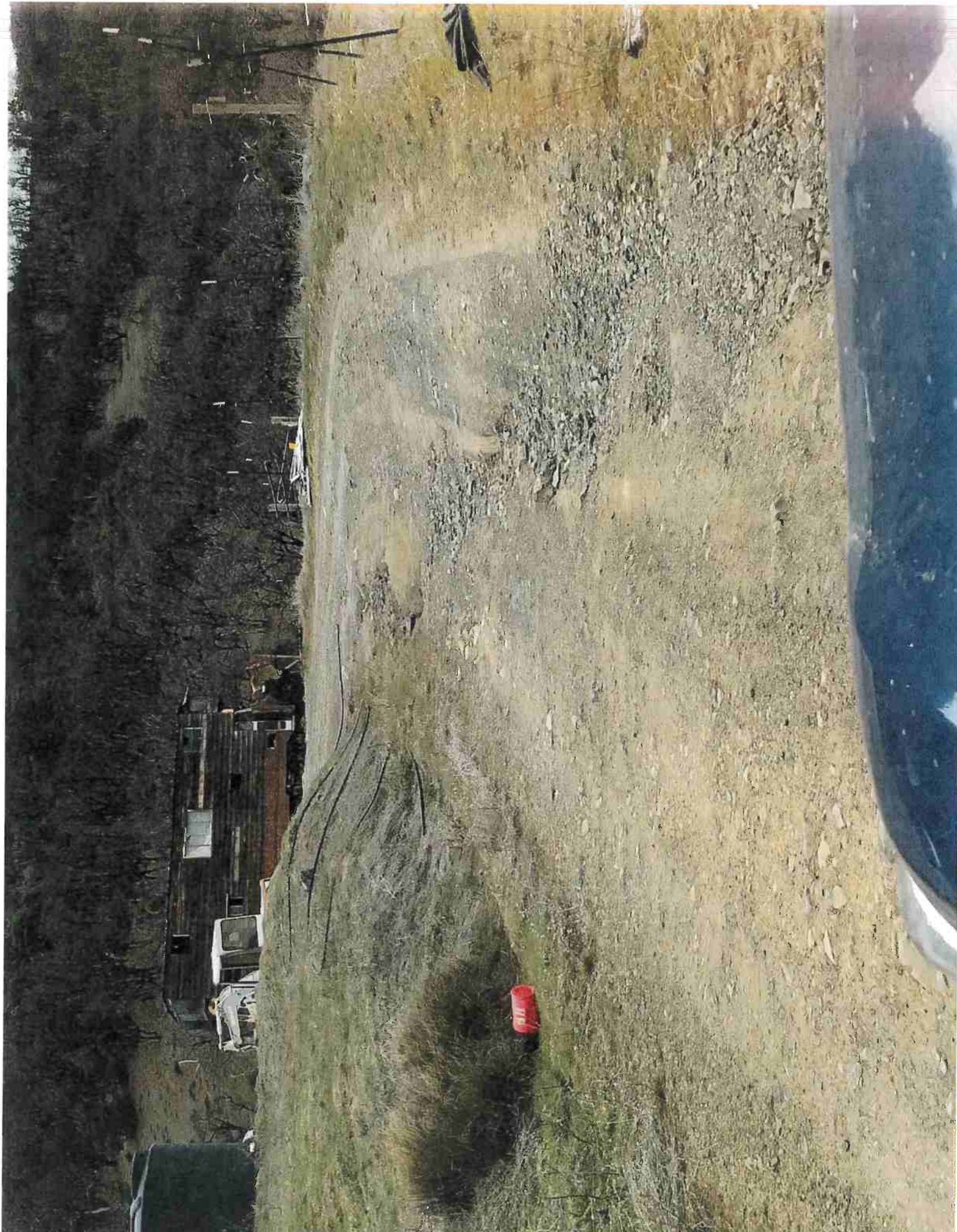




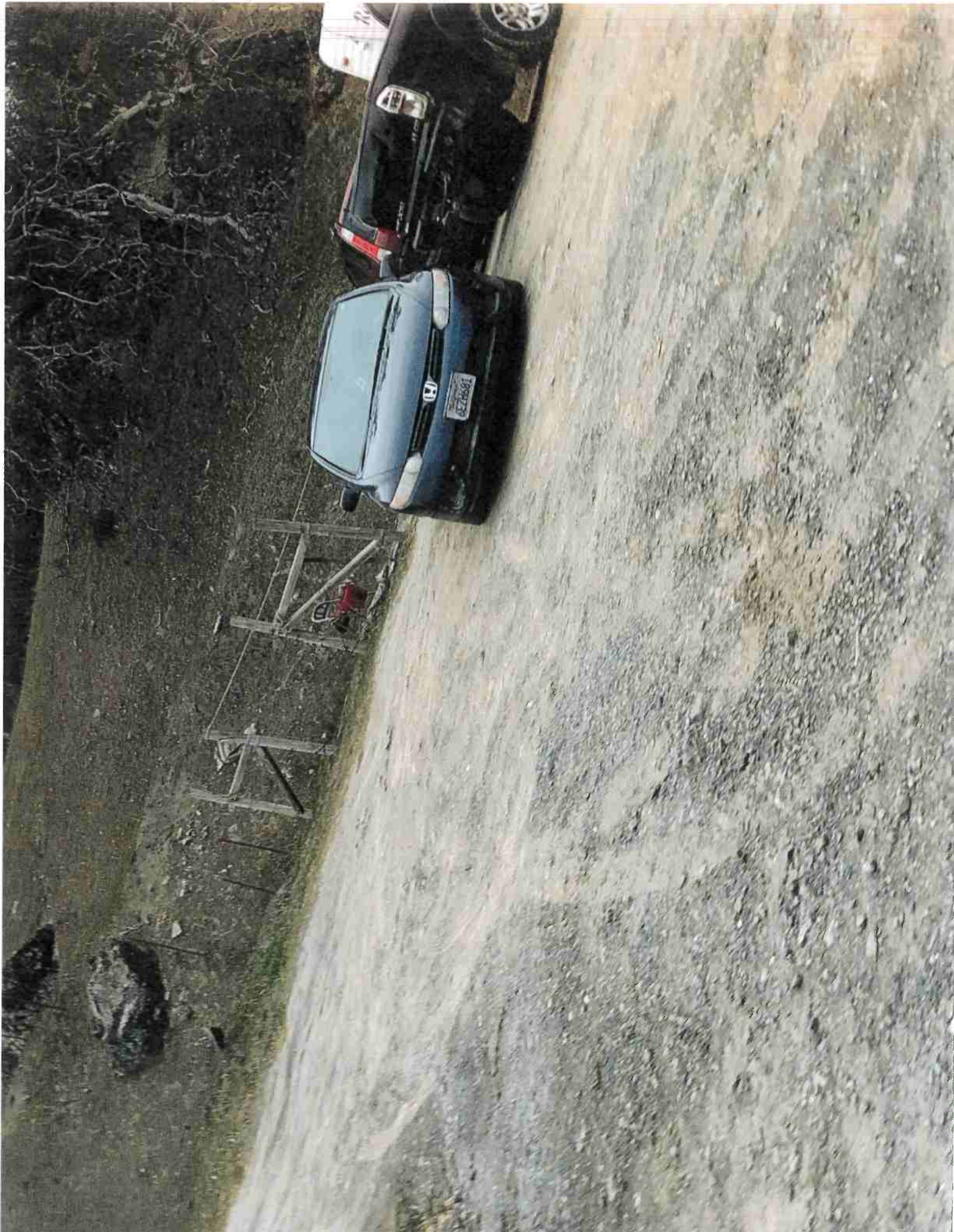








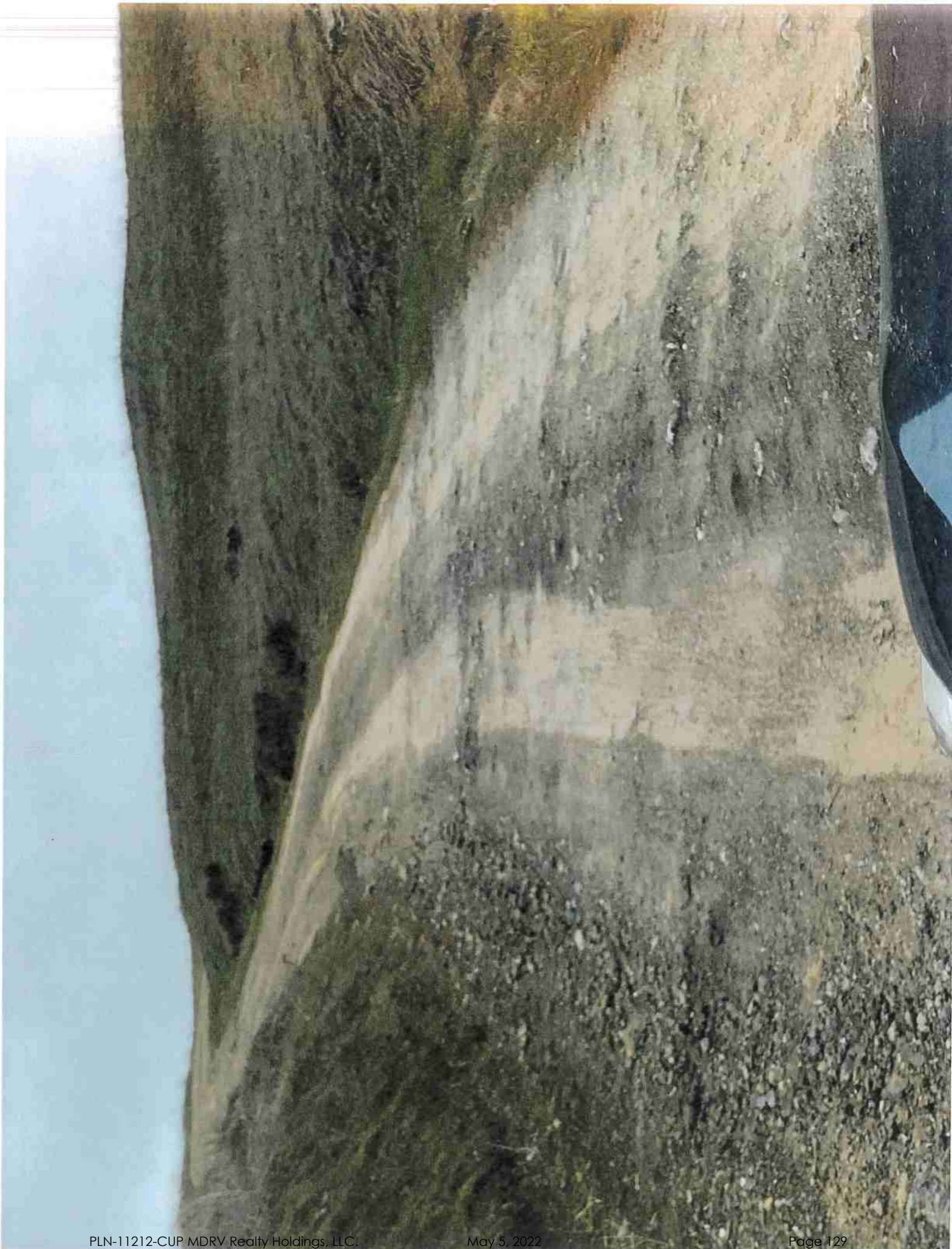










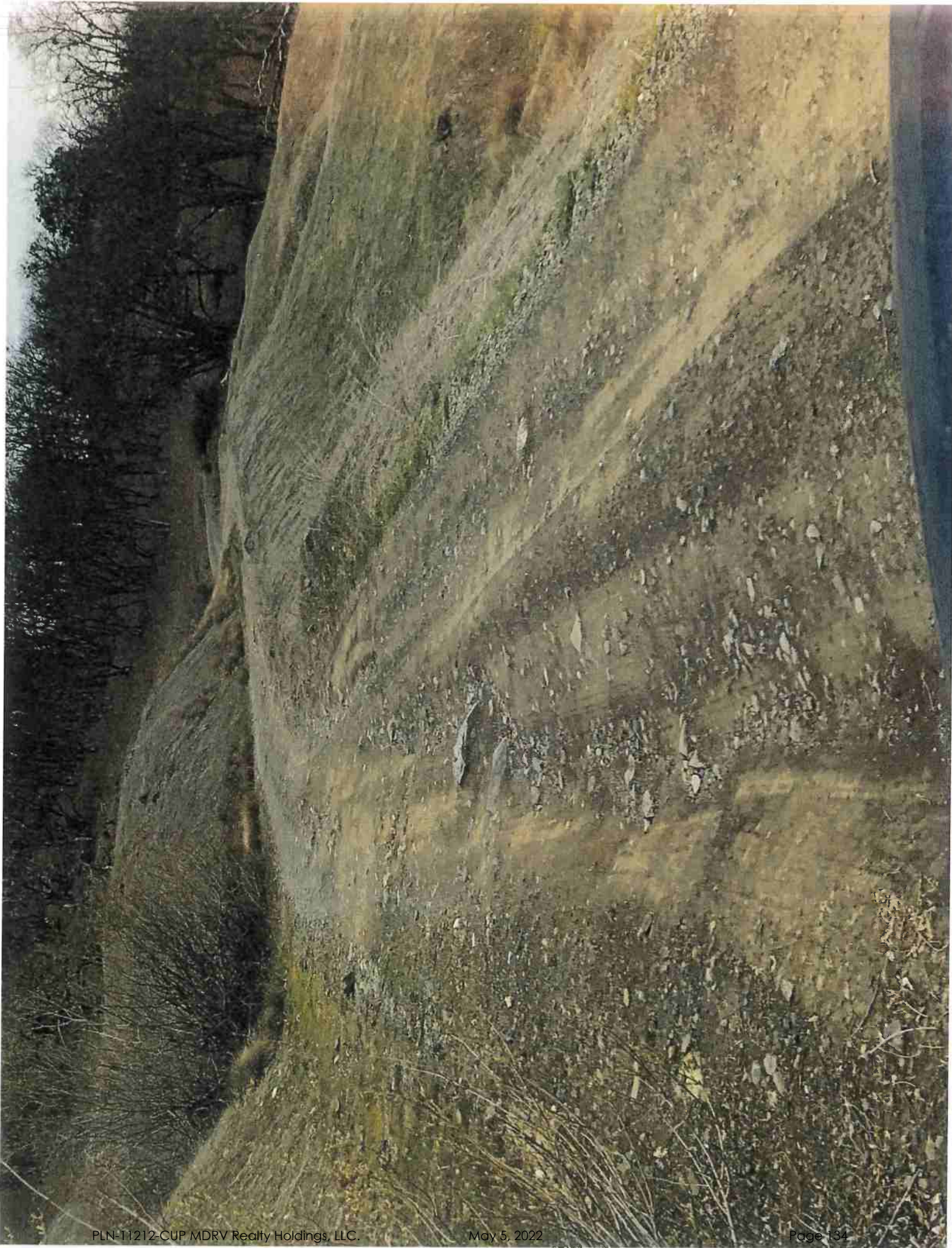


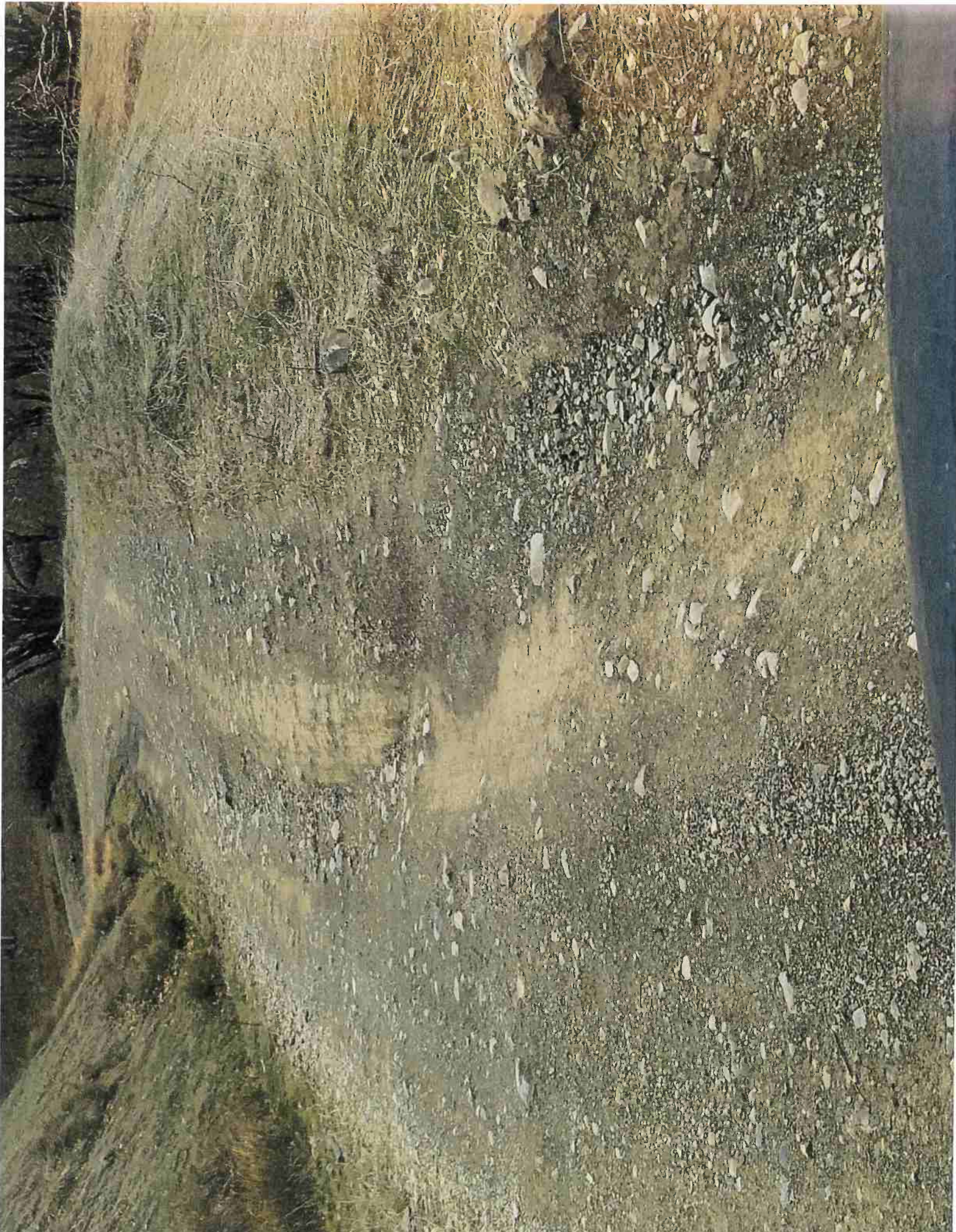












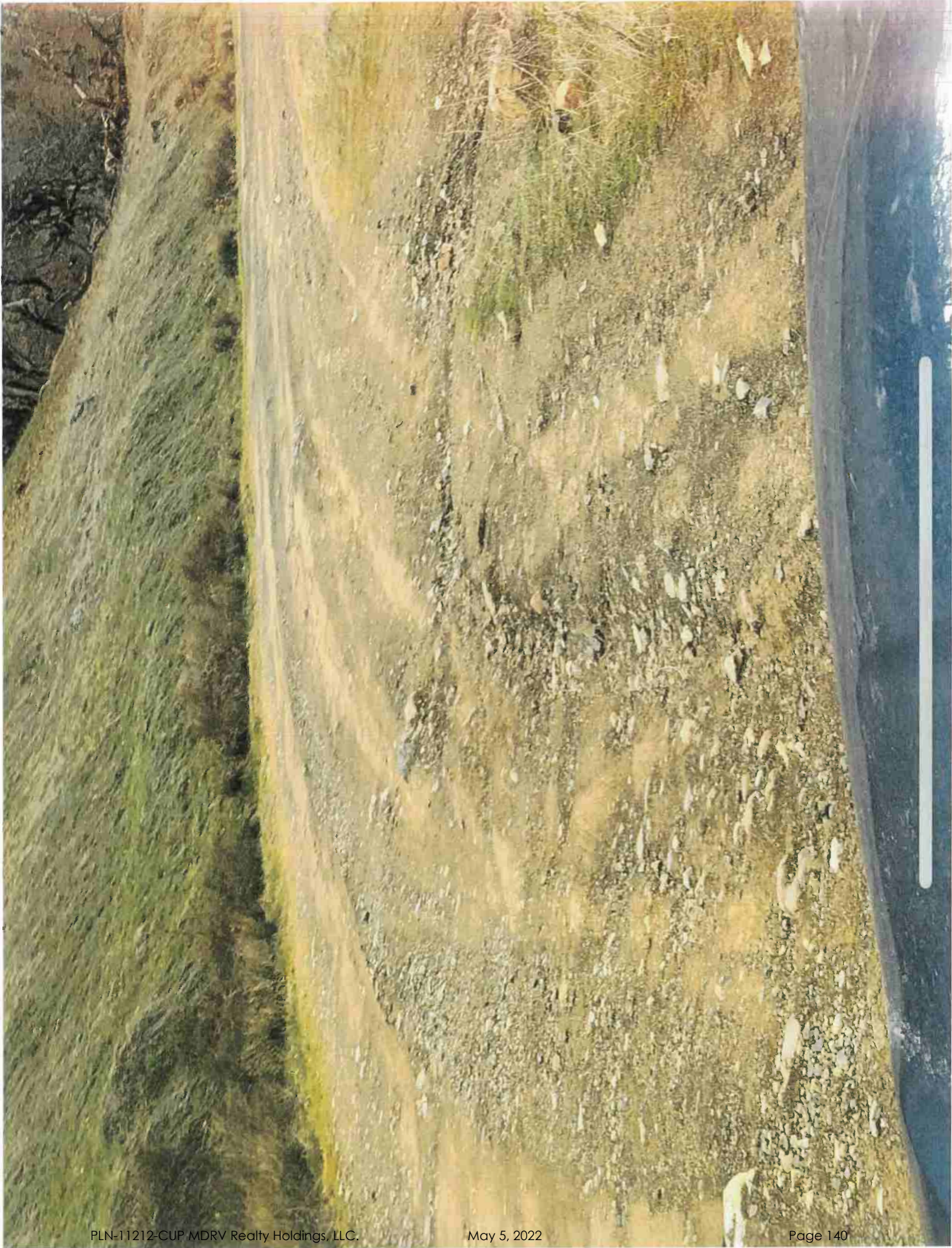














March 7<sup>th</sup>, 2022

Dear Mr. Ford and members of the planning commission,

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

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

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

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

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

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

Sincerely,

Brandon Mohan  
*MDRV Realty Holdings, LLC*

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