

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

**Resolution Number: 24-047**

**Record Number: PLN-12269-CUP**

**Assessor's Parcel Number: 316-086-017, 316-086-011, 316-086-023, 316-086-025**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Red Tail Ranch MBC Conditional Use Permit request.**

**WHEREAS, Red Tail Ranch MBC**, submitted an application and evidence in support of approving a Conditional Use Permit for 43,550 sf of existing outdoor cultivation and 5,121 sf of existing mixed-light cultivation. Cultivation is being relocated from APN's 316-086-011 and 316-086-023 to 316-086-017. Cultivation on APN 316-086-017 is also being further consolidated into one central cultivation area to comprise the totality of proposed cultivation. Proposed water use is 480,000 gallons sourced from a groundwater well, a diversion, and a rainwater catchment pond. A total of 579,800 gallons of water storage exists on the property. As part of the consolidation four points of diversion will be eliminated and a new diversion may be utilized. Power is primarily provided by a solar system with a backup propane generator. Processing occurs on-site in existing barn structures, with two additional proposed to be near the consolidated cultivation area. A lot line adjustment is also proposed between APN 316-086-017 and 316-086-025 resulting in two parcels of approximately 49 acres and 23 acres; and

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

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on August 1, 2024, and reviewed, considered, and discussed the application for a Conditional Use Permit, and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                      **Project Description:** The application is a Conditional Use Permit for 43,550 sf of existing outdoor cultivation and 5,121 sf of existing mixed-light cultivation. Cultivation is being relocated from APN's 316-086-011 and 316-086-023 to 316-086-017. Cultivation on APN 316-086-017 is also being further consolidated into one central cultivation area to comprise the totality of proposed cultivation.

Proposed water use is 480,000 gallons sourced from a groundwater well, a diversion, and a rainwater catchment pond. A total of 579,800 gallons of water storage exists on the property. As part of the consolidation four points of diversion will be eliminated and a new diversion may be utilized. Power is primarily provided by a solar system with a backup propane generator. Processing occurs on-site in existing barn structures, with two additional proposed to be near the consolidated cultivation area. A lot line adjustment is also proposed between APN 316-086-017 and 316-086-025 resulting in two parcels of approximately 49 acres and 23 acres.

**EVIDENCE:** a) Project File: PLN-12669-CUP

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

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

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resource Protection Plan (WRPP; WDID-1B161313CHUM) was prepared for subject sites (APN: 316-086-017, 316-086-011). The WRPP details existing site conditions, how the properties are or will meet the provisions and requirements of the North Coast Regional Water Quality Control Board (NCRWQCB).

The applicant has been conditioned to submit a copy of the Site Management Plan prepared for the property within 60 days of project approval.

- d) The applicant submitted a well evaluation prepared by Lindberg Geologic Consulting, which concluded the well has a low likelihood of having any direct connection to surface waters. The report concluded that the well appears to be hydrologically isolated from all nearby wells, surface waters, springs, or wetlands.
- e) The projects are within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria and the Tsnungwe Council. The project was referred to the Northwest Information



Center at Sonoma State and Bear River in September 2018 and September 2021, respectively. The comments back resulting recommended that the proposed projects will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, from comments on 6/14/19 and 9/10/21, respectively. The inclusion of the standard inadvertent discovery protocol as recommended by the cultural reports is incorporated into the projects as an informational note.

- f) Access to the sites is directly off of State Highway 299 to the Old State Highway 299 road that is 0.5 miles to the subject parcel. A Road Evaluation Report, prepared by the Applicant, dated on 7/15/19 was completed with photos of the Old State Highway 299 road. The road evaluation deemed the road segment off of Highway 299 to the access road to be developed to the equivalent of a road category 4 standard. The road is maintained privately.

### **FINDINGS FOR CONDITIONAL USE PERMIT**

- 3. FINDING:** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

**EVIDENCE:** a) The property has land use designations of both Residential Agriculture (RA20) and Agricultural Grazing (AG). The boundary between these designations straddles the proposed cultivation site.

The RA designation is not designated as an open space designation and is not part of the Open Space Action Program. The AG designation is designated as an open space designation and maintenance of these lands for agricultural uses is consistent with the Open Space Plan and Open Space Action Program.

Cannabis cultivation is an agricultural product and is consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

- 4. FINDING:** The proposed development is consistent with the purposes of the existing zone in which the site is located

**EVIDENCE:** a) The Unclassified Zone or U Zone is intended to be applied to areas of the county that have not been sufficiently studied to justify precise zoning classifications.

- b) All general agricultural uses are principally permitted in the U zone.

- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor and 22,000 SF of existing mixed light cannabis on a parcel zoned U over 1 acre in size 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 43,550 sf of existing outdoor cultivation and 5,121 sf of existing mixed-light cultivation on a 49-acre parcel is consistent with this and with the cultivation area verifications prepared by the County.

**5. FINDING:**

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

**EVIDENCE:**

- a) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor and 22,000 SF of existing mixed light cannabis on a parcel zoned U over 1 acre in size 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 43,550 sf of existing outdoor cultivation and 5,121 sf of existing mixed-light cultivation on a 49-acre parcel is consistent with this and with the cultivation area verifications prepared by the County.
- b) Per DS-22-912 the subject parcel is recognized as a legal parcel by amended Certificate of Subdivision Compliance 2005-22120-2 recorded July 5, 2005.
- c) Proposed water use is 480,000 gallons sourced from a groundwater well, two diversions, and a rainwater catchment pond. A total of 579,800 gallons of water storage exists on the property. As part of the consolidation four points of diversion will be eliminated and one additional diversion may be obtained. Currently the property owner has a water right to 0.49 acre-feet per year, or 159,667 gallons.

Water for irrigation is sources two (2) points of diversion, a groundwater well, and a 500,000-gallon rainwater catchment pond. A Right to Divert and Use Water, by the State Water resources Control Board (SWRCB) was issued (Cert # H100415), dated 1/16/19 for four (4) point of diversions.

Per a report from a licensed geologist, the well is hydrologically disconnected from surface waters and therefore it does not require additional water rights from the State Water Resources Control Board (SWRCB) and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well and water storage tanks annually



to demonstrate there is sufficient water available to meet operational needs.

A Water Resource Protection Plan (WDID#1B161313CHUM) for APNs 316-086-017 and 316-086-011 prepared by Pacific Water Associates, dated November 2018 for the North Coast Regional Water Quality Control Board (NCRWQCB, Order No. R1-2015-0023). The WRPP includes recommended best practices for erosion control, monitoring irrigation volumes to prevent runoff, and utilizing a secure storage facility for all cultivation-related materials consistent with the NCRWQCB for both APNs 316-086-017 and 316-086-011. The recommended actions and mitigation measure shall be continued until completed. Once the proposed project consolidation and merger is approved by the County the project shall develop a Site Management Plan (SMP) to address the activities on the subject parcel APN 316-086-017. A Site Management Plan (SMP; WDID 1\_12CC417459 for APN 316-086-023 (APPS # 11217), prepared by Mother Earth Engineering, date August 2021 for the fulfillment of Water Quality Order WQ 2019-0001-DWQ for the State Water Resources Control Board. The document will need to be amended and updated to address the consolidation and merger to APN 316-086-017.

The California Department of Fish and Wildlife (CDFW) Final Lake and Streambed Alteration Agreement (LSAA) is for APN 208-321-004 and 208-321-006 identified ten (10) encroachments. Three (3) encroachments are for water diversion, five (5) encroachments to upgrade and improvements to undersized culverts, one (1) encroachment is installation of stream crossing and restoration a stream area, and one (1) is to conduct work on spring fed pond rendering it incapable of storing water The project is required to implement and adhere to and make the required remediation corrections pursuant to the recommendations included within the WRPP and LSAA. Furthermore, the applicant is required to provide evidence of enrollment with the SWRCB Cannabis Cultivation General Order (Order No. WQ 2019-0001-DWQ) including but not limited to submitting a copy of the Site Management Plan.

- d) Access to the sites is directly off of State Highway 299 to the Old State Highway 299 road that is 0.5 miles to the subject parcel. A Road Evaluation Report, prepared by the Applicant, dated on 7/15/19 was completed with photos of the Old State Highway 299 road. The road evaluation deemed the road segment off of Highway 299 to the access road to be developed to the equivalent of a road category 4 standard. The road is maintained privately.

- e) The slope of the existing cultivation is between 15%-30%, and proposed relocation areas where cannabis will be cultivated in ranges of 15%-30% per USGS slope data.
- f) The location of the cultivation complies with most setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line and more than 600 feet from any school, church, or Tribal Cultural Resource.

**6. FINDING:**

The cultivation of 43,550 sf of existing outdoor cultivation and 5,121 sf of existing mixed-light cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE:**

- a) The site is located on road that has been self-certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation. The access road is the historic Highway 101 route before its relocation. This access intersects a State Highway, and as a result the project was referred to Caltrans District 1. No responses have been received to date.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) Irrigation water is sourced from a permitted groundwater well that has been determined to be hydrologically disconnected from surface waters, a point of diversion for which the applicant has demonstrated a valid water right, and a rainwater catchment pond.

A Right to Divert and Use Water, by the State Water resources Control Board (SWRCB) was issued (Cert # H100415), dated 1/16/19 for four (4) point of diversions, which include the two utilized for cannabis cultivation. The points of diversion will not be utilized as a result of cultivation consolidation.

A Hydrological Report was prepared by Lindberg Geologic Consulting in April 11, 2022 to assess the potential for the well to be hydrologically connected to surface waters or any adjacent wetlands or wells, and if pumping the well could affect such waters.



Per the Report the well has a low potential of having any direct connection to surface waters. The nearest watercourse, an ephemeral tributary of Redwood Creek (Class II), is approximately 1,400 feet from the permitted well. According to the Hydrological Report, the well is located in the central portion of APN 316-086-017. As noted in the Well Completion Report (No. e0151530; permit # 11/12-0415) (Attachment 3), the well is 220 feet deep and drilled through very fractured sandstone gray and shale soft dark gray. The first water was encountered at 100 feet. The well elevation is approximately 2,200 feet above sea level and the bottom of the well is approximately 1,990 feet. The elevation of the ephemeral tributary of Redwood Creek is approximately 2,000 feet at the nearest point. As stated previously, the elevation of the bottom of the permitted well is 1,990, making the nearest watercourse, ephemeral tributary of Redwood Creek, 10 feet below the elevation of the bottom of the permitted well, based on County Web GIS map. The well is sealed through the upper 20 feet of any potential unconfined, near-surface aquifers. When considered with the stratigraphy and geologic structure, distances (horizontal and vertically) from the nearest surface waters, depth of the producing zone for the well (100 to 186 feet, fractured sandstone), position of the well relative to the nearest surface waters in the vicinity, the depth of the surface seal, and the fact the well was “developed from the bottom,” is sufficient to preclude the potential for hydraulic connectivity with perennial surface waters, of which there are none closer than 1,400 feet to ephemeral tributary of Redwood Creek. In conclusion, per Report, the water source from which the well draws appears to be a subsurface aquifer not connected to any other unconfined, near-surface aquifer(s), and the onsite well has a low likelihood of being hydrologically connected to nearby surface waters in any manner that could affect adjacent wetlands, surface waters, springs, and/or nearby wells in the vicinity. While Redwood Creek is a watercourse that supports important public trust resources such as fisheries, the low likelihood of any hydrologic connection indicates that there is a negligible impact to this public trust resource.

- d) Provisions have been made in the applicant’s proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected. Measures are included in a Water Resources Protection Plan prepared by Pacific Water Associates, and the applicant has been conditioned to prepare a Site Management Plan after completion of cultivation consolidation.
- e) The project utilizes a solar array and generators for supplemental

power, and has proposed to transition to full solar power for project activities with a generator kept on site for emergency backup use.

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 is currently developed with one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to continue to be utilized 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 site is located in the Redwood Creek Planning Watershed, which under Resolution 18-43 is limited to 141 permits and 49 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 15 permits and the total approved acres would be 5.04 acres of cultivation.

#### **FINDINGS FOR LOT LINE ADJUSTMENT**

9. **FINDING:** The Lot Line Adjustment application is complete

**EVIDENCE:** a) The applicant has submitted application materials identifying proposed lots to be adjusted, a copy of current deeds and information showing the feasibility of the adjusted lots to be utilized for their intended purposes.

10. **FINDING:** The project is consistent with the Subdivision Map Act

**EVIDENCE:** a) The parcels are two separate legal parcels created in compliance with the Subdivision Map Act as demonstrated by Certificate of Subdivision Compliance 2013-027773-2, recorded December 12, 2013 (APN 316-086-025), and Amended Certificate of Subdivision Compliance 2005-22120-2, recorded July 5, 2005 (APN 316-086-017).

11. **FINDING:** The proposed Lot Line Adjustment is consistent with the General Plan

**EVIDENCE:** a) The Lot Line Adjustment is consistent with the Land Use Designations of the resulting properties. Both resulting properties exceed minimum parcel sizes for Agricultural Grazing (AG) and



Residential Agriculture (RA) land use designations, and the adjustment is intended to facilitate improved management of agricultural lands.

- b) The subject properties are within a mapped High Instability zone. The subject properties are outside any mapped earthquake faults or fault hazard zones, areas of potential liquefaction, or mapped historic landslides.

The project is outside all mapped flood zones.

The project is within the State Response Area and is not within a local Fire Response Area. The project has been conditioned to provide an "Acknowledgement of no Available Emergency Response and Fire Suppression Services". The proposal was referred to CalFire in August 2018 for review and comments. No response has been received to date.

- c) The projects are within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria and the Tsnungwe Council. The project was referred to the Northwest Information Center at Sonoma State and Bear River in September 2018 and September 2021, respectively. The comments back resulting recommended that the proposed projects will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, from comments on 6/14/19 and 9/10/21, respectively.

There are mapped occurrences of bald mountain milk-vetch and coast fawn lily on the subject parcels mapped along State Highway 299. The mapped occurrences are approximately 525 feet from the nearest cultivation area. The nearest northern spotted owl (NSO) activity center is approximately 0.47 miles from the nearest cultivation area. The nearest mapped marbled murrelet range is approximately 2.6 miles from the property, and the nearest mapped NSO critical habitat is approximately 2.9 miles from the property. Recommended conditions of approval include limiting noise from project activities to 50 decibels 100 feet from the noise source or at the nearest tree line, whichever is more restrictive, proper storage of fuels fertilizers and pesticides, prohibition of monofilament netting, storage of refuse in wildlife proof containers, and prohibition of anticoagulant rodenticide.

The applicant has submitted a Biological Reconnaissance Assessment prepared by Mother Earth Engineering dated September 2020. Mother Earth Engineering staff conducted site visits in January 2019 and September 2020 to evaluate potential habitat and biological resources. No listed species were observed

during the site visits. The report concluded that the cultivation areas are outside Streamside Management Areas (SMAs) and there is a low probability of project activities negatively affecting special status species.

**12. FINDING:** The proposed Lot Line Adjustment is consistent with zoning regulations and development standards of the Unclassified (U) Zone.

**EVIDENCE:** a) Resulting parcel 1 is developed with an existing residence and agricultural operation, both of which are principally permitted uses in the U zone. The Lot Line Adjustment will not preclude resulting parcel 2 from conducting agricultural operations, which is a principally permitted use. Both resulting parcels will exceed minimum parcel size, lot width, and lot depth for the U zone, and all development meets or exceeds minimum setbacks and minimum distance between major buildings, and does not exceed maximum ground coverage.

**13. FINDING:** The proposed Lot Line Adjustment will not adversely impact the environment, is compliant with CEQA, and will not be detrimental to public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity.

**EVIDENCE:** a) All responding referral agencies have approved or conditionally approve the proposed project. The project will not result in changes in land use density and will not create a new parcel. The Lot Line Adjustment has been analyzed as part of the entirety of the project in a project specific addendum to the Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Land Use Ordinance.



## 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 Lot Line Adjustment for Redtail Ranch, MBC, 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 **August 1, 2024**.

The motion was made by Commissioner Noah Levy and seconded by Commissioner Sarah West and the following vote:

AYES: Commissioners: Noah Levy, Iver Skavdal, Jerome Qiriazzi, Peggy O'Neill, Sarah West


NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners: Thomas Mulder, Lorna McFarlane

DECISION: Motion carried 5/0

I, John H. 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.

  
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John H. Ford, Director  
Planning and Building Department

## **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 for Cannabis Operations**

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 #25. 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. Within 60 days of the effective date of permit approval, the applicant shall submit a revised Cultivation Operations Plan describing consolidated project activities on the subject parcel for Planning Department review and approval.



7. The applicant shall discontinue use of and decommission the four existing surface water diversions for cannabis operations.
8. The applicant shall immediately discontinue use of all water bladders utilized for cannabis operations. Within 90 days the applicant shall decommission and remove the water bladders from the subject properties.
9. The applicant shall complete all recommended actions and mitigation measures included in the Water Resources Protection Plan (WRPP; WDID#1B161313CHUM) for APNs 316-086-017 and 316-086-011 prepared by Pacific Water Associates, dated November 2018.
10. Within 60 days of permit approval the applicant shall submit a copy of the Site Management Plan (SMP) prepared to address the activities on the subject parcel (APN 316-086-017).
11. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing, proposed structures associated with drying and storage or any activity with a nexus to cannabis, generators, any noise containment structures and graded flats, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
12. The applicant shall install a water meter to monitor water use from the well and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.
13. Prior to cultivation in relocation areas the applicant shall submit a grading plan for proposed relocation areas receiving cannabis with slopes greater than 15%. The plan shall minimize cut and fill to the extent feasible and will be subject to review and approval of the Planning Director or their authorized designee. These plans shall also include a stormwater management plan to ensure that runoff is directed to bioswales or settling basins and away from streams.
14. Within 180 days of project approval the applicant shall complete all conditions related to the Lot Line Adjustment and record a Notice of Lot Line Adjustment. Submittal of a recorded copy of the above referenced notice will satisfy this condition.
15. The applicant shall submit substantial evidence that relocated cannabis cultivation areas have been remediated. Evidence can be submitted in the form of date specific photographs of relocation areas showing removal of all cannabis infrastructure, including any storage or drying structures, water tanks, bladders, solar panels, or other cannabis related infrastructure. Evidence shall be submitted with a supporting Site Plan indicating the location where the photos were taken. Additionally, relocation sites shall be inspected by the County at the first annual post approval cannabis inspection to assess infrastructure removal and revegetation. Alternatively, the applicant may submit a proposal subject to Planning Department review and approval that outlines the principally permitted use of any cannabis related materials,

equipment, or improvements to remain. The applicant shall be required to obtain building permits for all infrastructure remaining on the properties and submit a "Notice and Acknowledgement of Land Use Limitations" signed by the property owner. If the total square footage of greenhouses to remain on a property exceeds 2,500 square feet, the proposal must include evidence of a bona fide commercial use.

16. Within 60 days of project approval, the applicant shall submit a revised Site Plan showing, in addition to what is already shown, the location of the total ancillary nursery space. The submitted Site Plan shall be subject to Planning Department review and approval.
17. The applicant shall install and utilize a water meter at all discrete points of diversion and other locations of water withdrawal, and at the outlets of all water storage facilities to track water use for cannabis irrigation separate from domestic use.
18. Prior to issuance of any grading or building permits for the proposed storage barn/nursery area, protocol-level surveys conducted by a qualified botanist shall be submitted to demonstrate that the structure and associated grading does not occur within areas that contain California Rare Plant Ranked Species and that the development complies with all applicable wetland setbacks.
19. All construction, grading and new ground-breaking activities shall occur outside of the Northern Spotted Owl breeding season (February 1<sup>st</sup> through July 9<sup>th</sup>) unless recent protocol level surveys have been completed demonstrating that no active Northern Spotted Owl nests are located within 0.5 miles of the project and CDFW has been consulted and agreed in writing to the proposed work occurring within this period.
20. All construction, grading and new ground-breaking activities shall occur outside of the nesting bird season (March 1<sup>st</sup> through August 15<sup>th</sup>) unless protocol-level surveys for nesting birds have been completed and submitted to CDFW and the Planning Director for review and approval.
21. All tarps, irrigation lines and cannabis related waste located at coordinates (40.905931, -123.784216) and (40.90382, -123.78376) shall be removed and disposed of at a licensed waste management facility.
22. Within two weeks of the effective date of project approval the applicant/permittee shall submit the following to CDFW in accordance with the Lake and Streambed Alteration Agreement (LSAA, 1600-2019-0096-0000-R1):
  - a. Water diversion records for 2019-2023.
  - b. A Water Management Plan.
  - c. A Diversion Infrastructure Plan.
  - d. An Invasive Species Management Plan.



23. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
24. 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.
25. 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. Approval of the Lot Line Adjustment is conditioned on the following terms and requirements which must be satisfied before completion of the Lot Line Adjustment**

1. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
  - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
  - b. A Preliminary Title Report regarding ownership of parcels involved. The Title Report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
  - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
  - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors.
2. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors as required by the County Assessor shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.

4. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
5. *Monumentation*: The angle points of the new property lines shall be monumented pursuant to County Code Section 325.5-9. The requirement for setting monuments may be waived by the County Surveyor if any one of the following findings can be made.
  - a. The new boundary line(s) are already adequately monumented of record.
  - b. The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.
  - c. The new boundary line(s) can be accurately described and located from existing monuments of record.
  - d. The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.
6. *Landlocked Lots*: The Applicant shall ensure that no parcels resulting from the lot adjustment will be landlocked. When creating a right of way to serve a landlocked parcel, the width of the right of way shall conform to Sections 4-1 and 4-2, Appendix A of the Subdivision Ordinance (County Code Section 321-1, et seq.). This requires that the size of the right of way be based upon the subdivision potential of the properties served by the right of way.

The minimum required right of way widths are listed in Figures included in Appendix A and are summarized as follows:

- a minimum 40 foot wide right of way serves up to 12 urban lots and up to 20 rural lots.
- a minimum 50 foot wide right of way serves more than 12 urban lots and more than 20 rural lots.

In the event that the lots do not have any subdivision potential, a minimum 20 foot wide right of way may be acceptable as it is consistent with minimum flag widths specified in Section 7-2(b) of the Appendix. When a right of way less than 40 feet in width is considered and the terrain is not flat, the Applicant shall demonstrate that there is sufficient right of way to construct the road prism along with cut and fill slopes.

The Applicant is advised that these are minimum right of way widths; and that careful consideration must be given when selecting a right of way width so as not to inadvertently limit the future development potential of the lots served by the proposed right of way.

[Reference: Roadway design standards/classification figures in Section 4.2 of Appendix A of the County Subdivision Ordinance]

7. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County**



**Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition.** *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.*

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items C.1. and C.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.



4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The Invasive Species Management Plan identified in the operations Plan shall be actively followed every year. Evidence shall be submitted at each annual inspection.
9. 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.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. 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.
12. 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.
13. 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.



14. 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.
15. 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).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
18. 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.
19. 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).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. 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.
23. The applicant shall maintain water use records for cultivation areas, to be furnished during or prior to annual onsite inspections. Records shall track irrigation use and be kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes.

24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
26. Fish stocking is prohibited without written permission from the California Department of Fish and Wildlife (CDFW) pursuant to Section 6400 of the Fish and Game Code for the life of the project.

Performance Standards for Cultivation and Processing Operations

27. 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.”
28. 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).
29. 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.
30. 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.
31. 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
32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
33. 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 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.

34. 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.
35. 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.
36. 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.
37. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building



Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #30 of the Ongoing Requirements/Development Restrictions, above.

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

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

4. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey..."
5. Approval of this Lot Line Adjustment does not guarantee that developable parcels will result. Final approval for any development will depend on demonstration of conformance with site suitability requirements in effect at the time development is proposed.
6. To reduce costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division (Namely: items 1 – 5) as a package at least four (4) weeks before the desired date for recordation. Post application assistance by the Planner on Duty, or by the Assigned Planner, with prior appointment will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. There is no charge for the first post project approval meeting. Please contact the Planning Division at (707) 445-7541 for copies of all required forms and written instructions.

# Cultivation and Operations Plan

## 1 DESCRIPTION OF CULTIVATION

The site is adjacent to State Highway 299 and the Berry Summit Vista Point. Old Highway 299, the original historic highway route runs through the parcel. I am requesting a project merger, consolidating the cultivation areas of three adjacent parcels based on environmental justifications. The proposed project would relocate the cultivation area of Humboldt County CCMLUO 1.0 application 12290 (APN 316-086-011) and Humboldt County CCMLUO 1.0 application 11217 (316-086-023) to Humboldt County CCMLUO 1.0 12269 (316-086-017). With the cultivation consolidated onto APN 316-086-017. Once the cultivation areas of APN 316-086-011 and APN 316-086-023 have been relocated to APN 316-086-017, I would like to include APN 316-086-011 and APN 316-086-023 in a 541 acre Natural Conservation Area with adjacent parcels. The goal of this Natural Conservation Easement is to do environmental restoration, and soil regeneration through highly rotational grazing. This Conservation Easement would also preserve the natural view shed of the Berry Summit Vista Point for generations to come.

## 2 TOTAL CULTIVATION

The project merger would consolidate the square footage to already existing cultivation sites, planting in the ground to dramatically reduce water needs. Gardens will utilize natural farming and permaculture methods, and companion planting for beneficial insects.

Permit Number	Outdoor Square Footage	Mixed Light Square Footage
12269	22,766	1,450
12290	14,493	2,870
11217	5,040	2,052
<b>TOTAL Proposed Square Footage to APN 316-086-017</b>	<b>42,299</b>	<b>6,372</b>

I would like to request transitioning 1,251 square footage of Mixed Light into full sun outdoor. This would make the totals for the project merger consolidated cultivation areas 43,550 square feet of full sun outdoor, and 5,121 square feet of mixed light cultivation.

## 3 LOCATION AND CAPACITY OF WATER STORAGE FACILITIES

**Projected Water Use:** Proposed water usage is 480,000 gallons, but this will decrease significantly after the installation in ground planting. Exact amounts vary year to year depending on the weather and the health and genetics of the plants. Water usage will be recorded monthly and reported annually to the Water Board pursuant to NCRWCQB Order No. R-12015-0023 and as part of SWRCB



**Redtail Ranch - April Armstrong**

Permit Numbers 12269, 12290, 11217

## Cultivation and Operations Plan

APNs 316-086-017, 316-086-011, 316-086-023

reporting program. All records will be kept on-site and will be made available for inspectors to view if requested.

Table 1: Projected Water Use by month

Projected Water Use in gallons of Existing and Proposed Cultivation											
J	F	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	D
0	0	500	6,200	9,000	60,000	95,000	145,000	120,000	36,000	8,300	0
											Total
											480,000

**Water Source:**

Irrigation water is currently procured from four sources, 2 points-of-diversion, a groundwater well, and a rainwater catchment pond. I will be eliminating 4 points-of-diversions on the 2 parcels I will be retiring, and am requesting 1 new point of diversion, further upstream from my current POD #1. This will allow me to use gravity to fill many of my water tanks, minimizing the use of gas powered water pumps. This new requested point of diversion is currently on my adjacent property, 316-086-025. I will be requesting a lot line adjustment to include this new point of diversion on my homestead property, 316-086-017.

One existing point of diversion is a horizontal well in an unnamed spring, that was established in 1987 for residential and irrigation use. The other existing point of diversion is a stream diversion established in 1990 to supplement the rainwater catchment pond. A Small Irrigation Use Registration (H504169) was approved on 1/16/19 for these two diversions.

The well is a 200 feet deep permitted well which yields an estimated 5 gallons per minute. David Linberg, a geologic consultant, has inspected the well and has completing a geologic report which has been submitted.

The rainwater catchment pond holds approximately 500,000 gallons. The catchment surface area is approximately 5,491 sq ft, which can catch approximately 248,522 in average rainfall. I am proposing an expansion of the pond, to allow for more rainwater catchment, and in the case of need for fire suppression.

**Water Storage:** There is approximately 79,800 gallons of water storage in hard tanks, and approximately 500,000 gallons of water storage in the pond, for a total of 579,800 gallons of water storage. I would like to request a pond expansion to have an abundance of water storage in case of the need of fire suppression.

**Irrigation Plan:** I am currently growing mostly in raised beds, with some cloth pots. I water with drip irrigation to conserve water, and use mulch to preserve soil microbiology and limit evaporation. I manage irrigation rate with the aim of watering the plants about every 4 days. If my consolidation request is approved I would like to plant in the ground, which will require far less watering.

**Water Management:** Drip irrigation is distributed by gravity. Compost teas are applied with gravity and electric pumps.

## **4 SITE CHARACTERISTICS**

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The main access through the property is a paved section of decommissioned State Highway 299. There are four class III streams and one class II stream located on the property. There are six stream crossings and three ditch relief culverts on the property. The biggest culvert on the old State Highway has been replaced and upgraded. PG&E, who shares access through the property on the Old State Highway is working to replace the culvert for the 2<sup>nd</sup> largest crossing. I am working on securing funding to replace the remaining Old State Highway culverts.

As part of my dedication to being a good steward of my home, and doing my best to help with the environmental restoration of this land, I have been working for years with local forestry firm BBW to do Oakland restoration by thinning the encroaching firs on the property. As a part of this work both gravel driveways off the Old Highway have been upgraded and water bars maintained.

## **5 WATERSHED + HABITAT PROTECTION**

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All cultivation activities are outside of riparian buffers, and slope away from waterways preventing any runoff threatening water quality. I am implementing measures outlined in the LSAA for the protection of wildlife and habitat, which include but are not limited to, screening intakes on diversion structures, and observing forbearance periods for surface water diversions. I am enrolled with North Coast Regional Water Board's Cannabis Discharge Waiver Program to ensure riparian watershed and habitat protection.

## **6 SWRCB/RWQCB**

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I have maintained continuous enrollment in Regional and State Water Board Cannabis discharge programs since 2016. #100415 & H504169. My LSAA issued by CDFW is #1600-2019-0096-R1

## **7 STORMWATER MANAGEMENT PLAN**

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**Drainage:** The site has well-draining soils and natural vegetation is maintained around all cultivation areas.

**Roads:** The main road access is an old decommissioned section of Highway 299. I secured grant funding from CalFire to replace the culvert stream crossing #3 in 2017. PG&E is working on replacing the culvert on stream crossing #1 in 2024 (and the 2 biggest culverts on 316-086-011). I am working on securing funding to replace the remaining Old State Highway 299 culverts.

The two rocked roads coming off the highway are in good condition. They have been maintained through my work with BBW to thin the encroaching firs on the property for Oakland restoration and fuels reduction, because as a part of this work the rocked roads were upgraded to allow for logging trucks. The rocked roads are designed to shed surface water by outsloping the surface. There are also dips located at the base of inclines to shed water.



**Runoff and Erosion Control Measures:** Water is used appropriately always and is applied at no more than agronomic rates. Perimeters of cultivation areas are undisturbed and have well established, naturally occurring vegetative buffers.

Cleared/developed areas at the site were generally compacted and covered with established cover. In disturbed area without cover straw mulch will be applied for winterization.

## **8 INVASIVE SPECIES CONTROL PLAN**

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I will maintain a regular monitoring program for invasive species within the property particularly areas that have previously been disturbed. Any areas that have been disturbed will be monitored to ensure revegetation efforts are successful. Twice a year I survey the property for invasive species. If these plants are found on the property, they will be removed using hand tools. Areas that are showing signs of substantial root networks of invasive species shall be smothered with cardboard and mulch. The pond is drained at the end of every dry season to ensure no invasive species are established.

## **9 MATERIALS MANAGEMENT PLAN**

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I maintain two self-haul waste areas and three compost areas on site. Refuse and garbage is stored in a location and manner that prevents its discharge to receiving water and discourages wildlife from interacting with waste materials. Non-compostable solid waste and recyclables derived from the operations shall be placed in the self-haul waste area and periodically transported to a local transfer station. Solid waste may include, but is not limited to household trash, product packaging and containers, irrigation tubing, pots and similar containers used for propagation and cultivation, fencing. All waste plant material will be composted on site.

**Storage Area:** Trash and recycling is at the homestead and the other is at cultivation area #2. These areas are guarded by 4 dogs, and we have never had any issues.

**Removal Frequency:** Trash is removed from site once a month or more as needed. I usually go to the McKinleyville dump, but sometimes I take things to Eureka.

**Waste Soil/ Growth Media:** All soil is amended, composted and reused on-site.

**Amendments and Nutrients:** A covercrop is grown over winter to fix nitrogen and support the soil microbiology. At the beginning of the season the covercrop is chopped and dropped, and the soil is tested at to determine my amendment needs. I apply organic compost, worm castings, and bulk dry amendments.

I do a soil test at the beginning of the season, and order bulk amendments to be applied before planting according to my needs. The soil is tested again mid-season, and if needed another top dressing is applied. I do little else for fertilization, unless a problem arises. To feed the soil microbiology I brew compost tea and extracts. All supplies are stored in the existing Ag Exempt barn from 2002, and the insulated sealed storage container. I am proposing a new ag exempt building near cultivation area #2 for future storage.

**Pesticides and Herbicides:** Companion planting to attract and support predator insects are the primary tool for pest management. If issues arise I the natural organic products such as Chester Boones, Plant Therapy, and Dr Zymes. All products used on-site are consistent with product labelling and are placed, used, and stored in a shed where no products are released into surface or groundwaters.

**Fuel:** Two 500 gallon propane tanks are on-site. One is for residential propane, and one is for the backup propane generator for the solar system. Most power needs are supplied by the very large solar system with a lithium ion battery bank. Less than 25 gal of gasoline stored onsite in 5-gal jerry cans with secondary containment. Spill kits are kept onsite. All fuels stored onsite are in compliance Site Management Plan.

## 10 SCHEDULE OF ACTIVITIES

Month	Activities
January	Buck dried flower, process through trim machine and/or send to processing.
February	Start propagation from seed and/or acquire clones. Continue processing.
March	Start seeds and/or acquire clones. Maintain immature plants in nursery greenhouse. Continue processing.
April	Up pot and maintain immature plants in nursery greenhouse. Finish processing from previous year's harvest.
May	Chop and drop cover crop and amend soil. Maintain immature plants in nursery greenhouse.
June	Plant into full season outdoor location.
July	Vegging, pruning, and trellising plants. Farm operation and maintenance.
August	Vegging, pruning, and trellising plants. Farm operation and maintenance.
September	Vegging and flowering plants. Farm operation and maintenance.
October	Begin harvest and drying.
November	Finish harvest and drying. Begin bucking dried flower off the stem to deleaf in trim machine, and/or start sending bins to processing facilities. Plant winter cover crop. Begin winterization of property.
December	Finish winterization of property. Continue bucking dried flower to deleaf with machine and/or send bins to processing facilities.

## 11 PROCESSING PLAN

**Processing Practices:** The crop is harvested and then dried in cured in 2 existing barns. If my consolidation is approved I would like to request 2 new barns at the consolidated garden site to minimize travel to and from drying barns. When the harvest and drying is complete I spend the winter months bucking the dried flower off the stem and putting it through my Green Brother's trim machine. Whatever I can't process myself over winter I send to licensed trim facilities to support me in the trimming process. All work surfaces and equipment are maintained in a clean and sanitary condition. I follow protocols to prevent contamination with mold and mildew. There are flush toilets located within the residence.



### **Days and Hours of Operation**

The facility is not open to the public and will not accept visitors without a specific business purpose. Commercial activities such as shipping and receiving will be limited to 8 AM to 5 PM as the hours of operation.

### **Employee Safety Practices:**

My farm is family owned and operated. I do not currently have employees. If the market improves and I can afford help in the future I will follow County and State regulations and guidance. Employee safety practices will be in compliance with standards set forth by the County and State which may include the following and additional elements:

### **Increased Road Use:**

Anticipated trips on and off site are one trip per day. No significant noise or traffic impacts are anticipated on access roads or impacts to neighboring properties as the site is owner-operated.

**On-site Housing:** The site is owner-operated and the family lives in the onsite residence.

## **12 PARKING PLAN & FIRE SAFE TURNAROUNDS**

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Fire safe turnarounds that comply with current State SRA Regulations are located in two places on the property. An 80 ft diameter fire safe turnaround is also located on site and complies with the current State Fire Safe Turnaround regulations.

## **13 ENERGY PLAN**

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The majority of the power for operations is supplied by a large off grid solar powered system. The very large solar array almost always keeps the lithium ion batteries full, but the system is supplemented with a back up propane generator that turns on automatically the the batteries drop too low. During the growing season a Honda 2,000 generator is sometimes used to pump water, and/or brew compost tea. During drying in the fall the solar array can power the dehumidifiers needed during the day, but each barn has a Honda 7,000 that is used to supplement power for the dehumidifiers at night. I am proposing an additional solar system at the proposed facilities at cultivation area 2, with the goal of transitioning to a 100% solar powered farm.

## **14 SECURITY PLAN**

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The security measures located on the premises will include the following:

- (1) Lighting- Motion sensor lighting is installed around the facilities such that the site can be monitored efficiently.
- (2) Alarm- There is an informal community watch in place in the neighborhood, and I have 4 trained guard dogs living on the property.
- (3) Access Control- Entrance to the site is restricted by a locked gate and located at the end of the road.

- (4) All cultivation related items and products will be stored in locked locations. Strict inventory control measures will be utilized.

## **15 LIGHTING POLLUTION CONTROL PLAN**

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Artificial light may be used in the nursery area and 5,121 sq feet of mixed light cultivation. Light will never be allowed to escape preventing light pollution and insuring International Dark Sky Standards will be met. Security lighting will be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program. Facility and vicinities shall be self-inspected twice annually at nighttime during artificial light use period to assure the continued effectiveness of light containment measures.

## **16 NOISE SOURCE ASSESSMENTS AND MITIGATION PLAN**

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One Honda EU2000, and two Honda EU7000 generators shall be kept for use. The Honda EU2000 generator shall be used for occasionally moving water and/or brewing compost tea. The 2 Honda EU7000 generators will only be used in the evenings during harvest at the drying barns to power dehumidifiers. The noise produced by the generators is approximately 49 dBA at proximity and is much quieter 100 feet from it. Noise shall be attenuated as necessary to prevent harassment of wildlife. Combined decibel level for all noise sources at the property line shall be no more than 60 decibels. Noise shall be monitored monthly to assure that noise dampening measures remain effective. The Noise Monitoring Form is included in the Appendix. If the consolidation is approved, there may be future generator use for the proposed 5,121 sq feet of mixed light cultivation, until the new commercial building and solar system are installed.



# Appendix

## **1 APPLICABLE CALCULATIONS & METHODOLOGY**

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NA

## **2 REDTAIL RANCH DARK SKY MONITORING FORM**

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Self-inspection to be conducted after dark, twice annually when supplemental artificial lighting is in use.

Name: \_\_\_\_\_

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

Time: \_\_\_\_\_

Walk perimeter of greenhouses.

Is light visible?                      No      Yes

If yes describe:

Observe cultivation area from road.

Location of observation:

Observation approximate distance from cultivation areas:

Is light visible?                      No      Yes

If yes describe:

Other Notes/Observations:

### **3 REDTAIL RANCH NOISE MONITORING FORM**

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Self-inspection to be conducted monthly.

Name: \_\_\_\_\_

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

Time: \_\_\_\_\_

Combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels.

Is decibel reading at 60 decibels or under at property lines?      No      Yes

If no, describe mitigation measures to ensure noise management at property line:

\_\_\_\_\_

(Fill If Applicable)

Location of generator shed:

Decibel reading at generator shed:

Decibel reading at 100 feet away (in clear sight; no obstruction):

Is decibel reading 50 decibels or under?      No      Yes

If no, how far away until 50 decibels or under (in clear sight; no obstruction)?

(Fill If Applicable)

Location of second generator shed:

Decibel reading at generator shed:

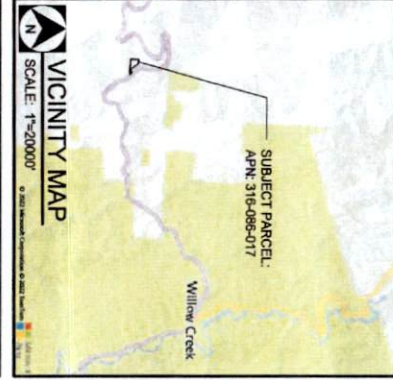
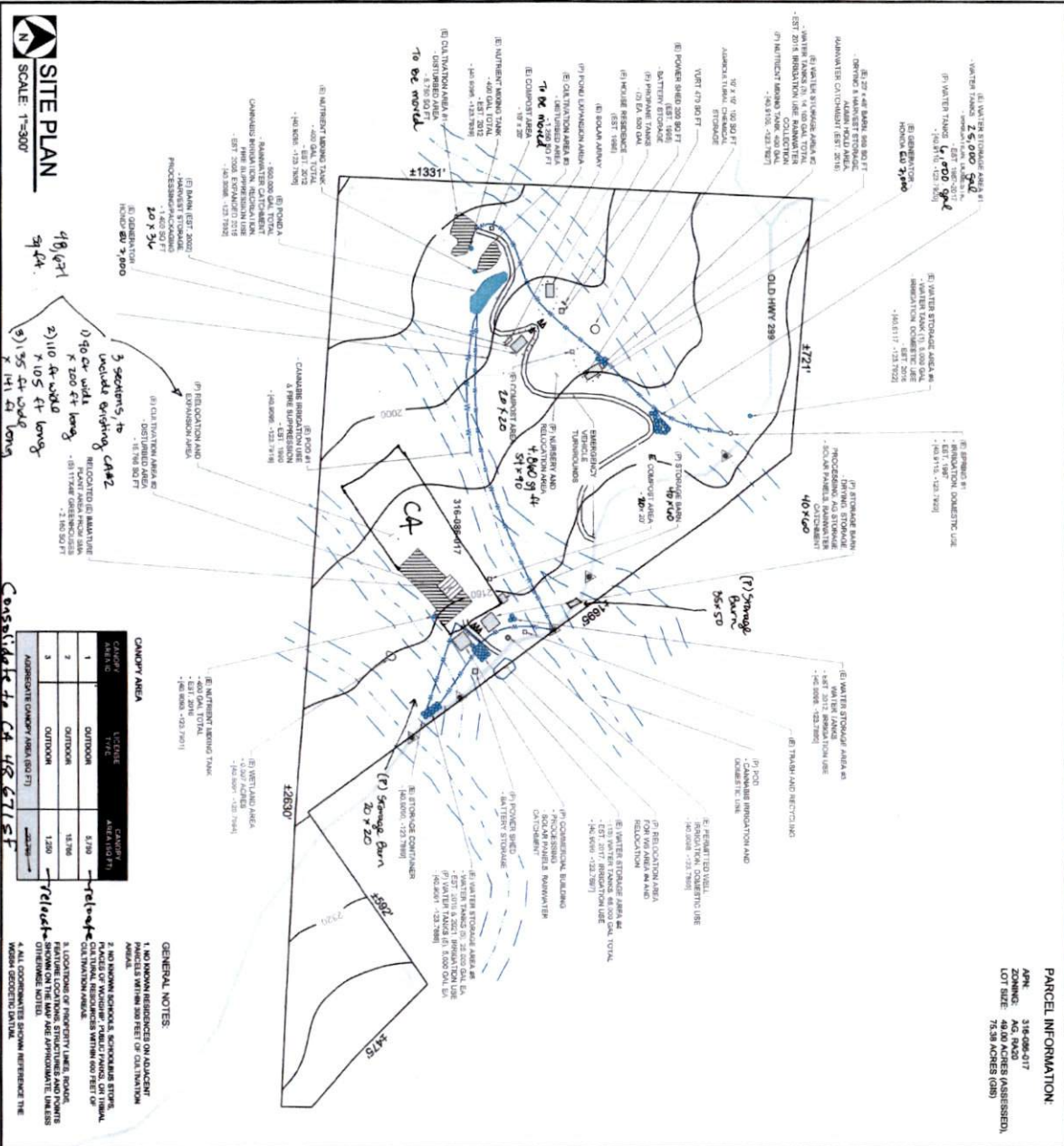
Decibel reading at 100 feet away (in clear sight; no obstruction):

Is decibel reading 50 decibels or under?      No      Yes

If no, how far away until 50 decibels or under (in clear sight; no obstruction)?

Other Notes/Observations:





- DIRECTIONS TO SITE**
- FROM ARLITA, CA
1. GO NORTH ON US HWY 94, TOWARD CA-299 E. DIST. 2.0 MILES.
  2. CONTINUE ON TO CA-299 E. 2.1 MILES.
  3. TURN RIGHT ONTO OLD HWY 299, 1.8 MILES.
  4. ARRIVED AT PROPERTY.

