



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: November 4, 2021

To: Humboldt County Planning Commission

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

Subject: **Brandon Bilanzija, Conditional Use Permit**
Record Number: PLN-12730-CUP
Assessor's Parcel Number (APN): 216-381-034
2209 Rancho Sequoia Road, Alderpoint Area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Topo Map	22
Zoning Map	23
Aerial Map	24
Site Plan	25
Attachments	
Attachment 1: Brandon Bilanzija Staff Report for Planning Commission Hearing October 21, 2021	9

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

AGENDA ITEM TRANSMITTAL

Hearing Date November 4, 2021	Subject Conditional Use Permit and Special Permit	Contact Cameron Purchio
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Project Description: A Conditional Use Permit for an existing 13,350 square foot (SF) outdoor cannabis cultivation operation in four (4) light deprivation greenhouses which do not utilize any artificial lighting. No ancillary propagation occurs onsite. There will be two harvests annually. Irrigation water will be sourced from a proposed groundwater well. Existing available water storage will be 18,000 gallons in a series of hard-sided tanks. Estimated annual water usage is 195,517 gallons. Drying, bucking, and processing occurs onsite. Up to six persons may be utilized onsite during peak operations. Power for cultivation will be sourced from a proposed PG&E agricultural connection.

Project Location: The project is located in the Alderpoint area, on the south side of Rancho Sequoia Road, approximately 500 feet south from the intersection of Alderpoint Road and Northview Road on the property known as 2209 Rancho Sequoia Road, Alderpoint.

Present Plan Land Use Designations: Residential Agriculture (RA5-20) Density: Five (5) to twenty (20) acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Forestry Recreation (FR-B-5(10))

Application Number: PLN-12730-CUP

Assessor Parcel Number: 216-381-034

Applicant

Brandon Bilandzija
7583 Benbow Drive
Garberville, CA 95542

Owner

Brandon Bilandzija
7583 Benbow Drive
Garberville, CA 95542

Agent

David Nicoletti
DTN Engineering
2731 K Street
Eureka, CA 95501

Environmental Review: The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

State Appeal Status: The proposed project is NOT appealable to the California Coastal Commission.

Major Issues: Lack of adequate information to support making required findings for approval.

Brandon Bilandzija
Record Number: PLN-12730-CUP
Assessor Parcel Number: 216-381-034

Recommended Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

Find the project statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines, find that the project is inconsistent with the Humboldt County Code and adopt the resolution denying the Brandon Bilandzija Conditional Use Permit and Special Permit.

Executive Summary: On October 21, 2021, the Planning Commission heard the Brandon Bilandzija project, which was requesting a Conditional Use Permit to allow the continued cultivation of 13,350 square feet (SF) of outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA5-20) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR-B-5(10)). Cultivation takes place in the western portion of the subject property and consists entirely of light deprivation outdoor cultivation which takes place in four (4) proposed greenhouses. Ancillary propagation does not occur onsite. The outdoor light deprivation greenhouses will produce up to two (2) harvests per year.

Drying, bucking, and processing occurs onsite. Up to six (6) persons may be utilized onsite during peak operations. The applicant is proposing to process in temporary car port structures and there is no Onsite Wastewater Treatment System (OWTS) on the subject parcel. Although drying and bucking can be conducted agricultural accessory structures, processing must be conducted in a structure that complies with the Americans with Disabilities Act (ADA) and has an OWTS to handle wastewater associated with processing activities and employees on-site. Portable bathroom facilities are accepted for cultivation-related staff. This permit does not authorize on-site processing until such time that an ADA-compliant structure and OWTS are developed on the subject parcel. The processing structure must be less than 2,500 SF and be proposed within a previously disturbed area. This permit does not authorize use of temporary tents to be used for processing. Power for cultivation will be sourced from a proposed PG&E agricultural connection. The operation is secured behind a locked entry gate located off Alderpoint Road.

At the October 21, 2021, Planning Commission hearing, the Planning Commission determined that there was insufficient evidence pertaining to the proposed groundwater well and the proposed Pacific Gas and Electric (P. G. & E.) connection to approve the project and there was insufficient progress on remediation of the site as needed to comply with statewide water quality standards. The Planning Commission continued the project to the November 4, 2021 with direction to staff to bring back the findings and resolution for denial of the project. The vote was 4 – 2 with Commissioners Mulder and Newman dissenting; Commission Levy was not present at the hearing. The following paragraphs describe the facets of the project where the Planning Commission determined there was insufficient evidence and what information was incomplete or missing.

Proposed Groundwater Well

Estimated annual water usage is 195,517 gallons (14.5 gal/SF) with peak demand occurring in August at approximately 47,039 gallons. Water for irrigation will be provided by a proposed permitted onsite groundwater well. Historically, water for irrigation was sourced from a spring diversion and an on-stream pond. The applicant is proposing to drill a well to replace the historical

diversionary water sources. Planning staff supports the replacement of the diversionary water sources with a groundwater well to reduce impacts associated with water diversion.

The Planning Commission determined information necessary to determine consistency with the ordinance has not been submitted as there is no information on well production and potential connectivity to adjacent aquifers and surface water bodies. As the production capacity of the well is unknown and it is unknown if the proposed groundwater well will yield sufficient water to support the annual water demand, the Planning Commission does not have sufficient information to consider the project's impacts on the environment. Additionally, the applicant is not proposing any additional water sources (e.g. rain catchment) at this time, therefore, it is unknown if sufficient water exists to meet annual water demand for the proposed project.

Lack of Remediation Completed

A *Water Resource Protection Plan* (WRPP) was prepared by Timberland Resource Consultants, dated April 19, 2018 (Attachment 3), that 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 North Coast Regional Water Quality Control Board Order RI-2015-0023 and the State Water Resources Control Board Cannabis General Order. The site contains several Class II watercourses and the WRPP recommends various improvements to protect water quality and maintain necessary crossings. The site also contains an onstream pond developed without the benefit of County review, which is proposed to be removed and the bed and banks restored to natural conditions. A *Preliminary Grading & Erosion Control Plan* was prepared by A.M. Baird Engineering & Surveying Inc., dated November 26, 2018 (see Attachment 3 of the October 21, 2021, Staff Report), was prepared to document proposed improvements and erosion control measures to minimize the potential of harmful runoff from the cultivation area. Additionally, a *Justification for Relocation* was conducted by Timberland Resource Consultants, dated April 13, 2019, which recommended consolidating all cultivation onsite to the western cultivation area. Previously cultivation near the pond seep which occurred within the Streamside Management Area buffer would be removed, as well as the decommissioning and restoration of the onstream pond.

The CMMLUO requires projects to be compliant with State and local regulations regarding cannabis, including site development. Typically, existing operations start with the provisional permit to provide 2 years for the applicant to come into compliance with CMMLUO requirements and obtain a State license. Remedial actions, such as completing recommendations in the WRPP would be a part of the provisional permit and would provide the applicant sufficient time to obtain permits from State and local agencies to conduct the work described by the WRPP. Although the applicant has obtained a Final Streambed Alteration Agreement to complete the work described by the WRPP, the applicant is unable to obtain the necessary permit from the Humboldt County Building Department (e.g. grading permit) until the cannabis permit is approved. Should the applicant move forward and complete with the work without all necessary permits, the applicant would be in violation of County Code.

The Planning Commission determined there is insufficient evidence in the staff report to show the applicant has completed any or all of the recommended remedial actions described by the WRPP.

Proposed Pacific Gas and Electric (P. G. & E.) Connection

The proposed project states all power required for cultivation activities will be provided by a proposed P. G. & E. agricultural connection. The applicant proposed P. G. & E. to move away from using generators that historically provided power for the project. Additionally, no supplemental lighting is proposed for use to support cultivation activities, therefore, power is limited to fans, dehumidifiers, heaters and processing activities.

The Planning Commission determined that there is insufficient evidence to show that P. G. & E. can provide power to the subject parcel and stated applicant should provide evidence (e.g. letter or similar correspondence from P. G. & E.) showing P. G. & E. can be supplied to the subject parcel.

Summary: The submitted application does not include enough evidence to support making the required findings under Section 312-17.1.

ALTERNATIVES: The Planning Commission could elect to direct staff to continue working with the applicant to request the applicant drill a test well to determine the well production and revised the irrigation plan to include additional water storage using rainwater catchment, outline a timeline for compliance related to remedial measures in the WRPP and provide an energy plan that includes a will serve letter or similar communication from P. G. & E. demonstrating P. G. & E. will serve the subject parcel and/or how renewable energy sources (e.g. solar, wind and/or hydro) will be used to support the project's annual energy demand.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number: 21 -
Records Number: PLN-12370-CUP
Assessor's Parcel Number: 216-381-034**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the Brandon Bilandzija Conditional Use Permit request.

WHEREAS, Brandon Bilandzija, submitted an application on December 28, 2016, for Conditional Use Permit for an existing 13,350 square foot (SF) outdoor cannabis cultivation; and

WHEREAS, the proposed project was first heard by the Planning Commission at the October 21, 2021, Planning Commission hearing; and

WHEREAS, the Planning Commission determined information necessary to determine consistency with the ordinance has not been submitted and requested Planning staff to return to the Planning Commission with findings to deny the permit; and

WHEREAS, the project is statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (projects which are disapproved); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on November 4, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit 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:** A Conditional Use Permit for an existing 13,350 square foot (SF) outdoor cannabis cultivation operation in four (4) light deprivation greenhouses which do not utilize any artificial lighting. No ancillary propagation occurs onsite. There will be two harvests annually. Irrigation water will be sourced from a proposed groundwater well. Existing available water storage will be 18,000 gallons in a series of hard-sided tanks. Estimated annual water usage is 195,517 gallons. Drying, bucking, and processing occurs onsite. Up to six persons may be utilized onsite during peak operations. Power for cultivation will be sourced from a proposed PG&E agricultural connection.

EVIDENCE: a) Project File: PLN-12370-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is statutorily exempt from CEQA as it is a project which is not approved.

EVIDENCE: a) Section 15270 of the CEQA Guidelines.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

- 3. FINDING** The proposed development is not consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE a) The proposed project includes permitting and installation of a new groundwater well to replace surface water diversions that were

historically used for irrigation. Information necessary to determine consistency with the ordinance has not been submitted as the production capacity of the well is unknown and is it unknown if the proposed groundwater well will yield sufficient water to support the annual water demand.

- b) The proposed project includes remediation as described by the Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants dated April 19, 2018, recommended 16 remedial measures for bringing the site into compliance with the North Coast Regional Water Quality Control Board's Cannabis Cultivation Policy and insufficient evidence was provided to demonstrate the applicant has completed any of the remediation measures recommended in the WRPP.
- c) The proposed project includes using Pacific Gas and Electric (P. G. & E.) for power, however, insufficient evidence from P. G. & E. (e.g. will server letter) was provided to demonstrate that power would be supplied to the subject parcel.

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
- Denies the Conditional Use Permit and Special Permit for Brandon Bilandzija, based upon the Findings and Evidence.

Adopted after review and consideration of all the evidence on November 4, 2021.

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

ATTACHMENT 1

**Brandon Bilanzija Staff Report for
Planning Commission Hearing October 21, 2021**



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 21, 2021

To: Humboldt County Planning Commission

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

Subject: **Brandon Bilandzija, Conditional Use Permit**
Record Number: PLN-12730-CUP
Assessor's Parcel Number (APN): 216-381-034
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Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	7
Maps	
Topo Map	14
Zoning Map	15
Aerial Map	16
Site Plan	17
Attachments	
Attachment 1: Recommended Conditions of Approval	18
Attachment 2: CEQA Addendum	27
Attachment 3: Applicant's Evidence in Support of the Required Findings	31
a: Water Rights Protection Plan	Separate
b: Road Evaluation	Separate
Attachment 4: Referral Agency Comments and Recommendations	77

Please contact Cameron Purchio, Assigned Planner, at (707) 443-5054 or by email at purchioc@lacoassociates.com if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date October 21, 2021	Subject Conditional Use Permit	Contact Cameron Purchio
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Project Description: A Conditional Use Permit for an existing 13,350 square foot (SF) outdoor cannabis cultivation operation in four (4) light deprivation greenhouses which do not utilize any artificial lighting. No ancillary propagation occurs onsite. There will be two harvests annually. Irrigation water will be sourced from a proposed groundwater well. Existing available water storage will be 18,000 gallons in a series of hard-sided tanks. Estimated annual water usage is 195,517 gallons. Drying, bucking, and processing occurs onsite. Up to six persons may be utilized onsite during peak operations. Power for cultivation will be sourced from a proposed PG&E agricultural connection.

Project Location: The project is located in the Alderpoint area, on the south side of Rancho Sequoia Road, approximately 500 feet south from the intersection of Alderpoint Road and Northview Road on the property known as 2209 Rancho Sequoia Road, Alderpoint.

Present Plan Land Use Designations: Residential Agriculture (RA5-20) Density: Five (5) to twenty (20) acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Forestry Recreation (FR-B-5(10))

Record Number: PLN-12730-CUP

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Applicant

Brandon Bilandzija
7583 Benbow Drive
Garberville, CA 95542

Owner

Brandon Bilandzija
7583 Benbow Drive
Garberville, CA 95542

Agent

David Nicoletti
DTN Engineering
2731 K Street
Eureka, CA 95501

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 part a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action to approve the application:

Adopt the Resolution to 1) find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit and 3) approve the Brandon Bilandzija project as recommended by staff subject to the recommended conditions.

Executive Summary: Brandon Bilandzija seeks a Conditional Use Permit to allow the continued cultivation of 13,350 square feet (SF) of existing outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA5-20) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR-B-5(10)). Cultivation takes place in the western portion of the subject property and consists entirely of light deprivation outdoor cultivation which takes places in four (4) proposed greenhouses. Ancillary propagation does not occur onsite. The outdoor light deprivation greenhouses will produce up to two (2) harvests per year.

Drying, bucking, and processing occurs onsite. Up to six (6) persons may be utilized onsite during peak operations. The applicant is proposing to process in temporary car port structures and there is no Onsite Wastewater Treatment System (OWTS) on the subject parcel. Although drying and bucking can be conducted agricultural accessory structures, processing must be conducted in a structure that complies with the Americans with Disabilities Act (ADA) and has an OWTS to handle wastewater associated with processing activities and employees on-site. Portable bathroom facilities are accepted for cultivation-related staff. This permit does not authorize on-site processing until such time that an ADA-compliant structure and OWTS are developed on the subject parcel. The processing structure must be less than 2,500 SF and be proposed within a previously disturbed area. This permit does not authorize use of temporary tents to be used for processing. Power for cultivation will be sourced from a proposed PG&E agricultural connection. The operation is secured behind a locked entry gate located off Alderpoint Road.

Water Resources

Estimated annual water usage is 195,517 gallons (14.5 gal/SF) with peak demand occurring in August at approximately 47,039 gallons. Water for irrigation will be provided by a proposed onsite groundwater well. Historically, water for irrigation was sourced from a spring diversion and an on-stream pond. The applicant is proposing to drill a well to replace the historical diversionary water sources. Planning staff supports the replacement of the diversionary water sources with a groundwater well to reduce impacts associated with water diversion. Proposed water storage is 18,000 gallons and water will be stored in proposed plastic water storage tanks of varying sizes across the property. Conditions of approval require the applicant to provide evidence the proposed well is hydrologically disconnected from surface waters prior to cultivation. If the applicant cannot demonstrate the well is hydrologically connected from surface waters, the conditions of approval require the applicant to increase water storage to cover the forbearance period of April 1 – October 31 as required by the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy. Total water storage required would be 195,517 gallons and would be stored in tanks located in a previously disturbed area. Alternate forms of water storage (e.g. off-stream pond) would require a modification of this permit.

A *Water Resource Protection Plan (WRPP)* was prepared by Timberland Resource Consultants, dated April 19, 2018 (Attachment 3), that 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 North Coast Regional Water Quality Control Board Order RI-2015-0023 and the State Water Resources Control Board Cannabis General Order. The site contains several Class II watercourses and the WRPP recommends various improvements to protect water quality and maintain necessary crossings. The site also contains an onstream pond developed without the benefit of County review, which is proposed to be removed and the bed and banks restored to natural conditions. A *Preliminary Grading & Erosion Control Plan* was prepared by A.M. Baird Engineering & Surveying Inc., dated November 26, 2018 (Attachment 3), was prepared to document proposed improvements and erosion control measures to minimize the potential of harmful runoff from the cultivation area. The project is conditioned to implement the measures outlined in these plans and obtain required permits (e.g. from Humboldt County Building Division, California Department of Fish and Wildlife, etc) prior to commencing any site improvements. Upon completion of the proposed work, all cultivation activities will occur outside of required Streamside Management Area buffers and all road crossings will be sufficient to protect water quality.

Additionally, a *Justification for Relocation* was conducted by Timberland Resource Consultants, dated April 13, 2019, which recommended consolidating all cultivation onsite to the western cultivation area. Previously cultivation near the pond seep which occurred within the Streamside Management Area buffer would be removed, as well as the decommissioning and restoration of the onstream pond. The report recommends implementing measures contained within the WRPP. The project is conditioned to implement the recommendations of the WRPP. The project is conditioned to require implementation of all recommendations detailed in the WRPP. Additionally, the applicant is enrolling in the State Water Resources Control Board (SWRCB) WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy. A Final Streambed Alteration Agreement (SAA) will be obtained from the California Department of Fish and Wildlife (CDFW) for the culvert replacements, culvert decommissioning, and removal/remediation of the onstream pond.

Biological Resources

A search of CDFW's California Natural Diversity Database (CNDDDB) biological resources database was performed on September 10, 2021. No special status species were documented onsite, and the nearest Northern Spotted Owl (NSO) activity center is located approximately 5.3 miles from the project area. The project will be designed so that noise and light does not impact wildlife. Per the applicant, all power required for cultivation activities will be provided by a proposed PG&E agricultural connection. Additionally, no supplemental lighting is proposed for use to support cultivation activities. Conditions of approval for the project require the applicant to demonstrate PG&E service is connected to the subject parcel prior to any energy use to support project operations. The project will follow all applicable rules of Dark Sky Standards for lighting associated with security; this permit does not authorize mixed light cultivation or propagation. The project is conditioned such that generators shall have secondary containment for fluid catchment and noise attenuation, and noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The conditions of approval require the applicant to refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Timber Conversion

A review of aerial imagery shows timberland conversion has taken place in several phases with the first clearing occurring in between 2012 and 2014 and was conducted without a *Less Than Three Acre Conversion Permit*. Between 2012 and 2014, two areas of timber removal were identified. Approximately 0.5 acres surrounding the spring on the east side of the parcel were cleared to construct the onstream pond and 0.4 acres were cleared on the west side of the parcel to create a

clearing to provide additional cultivation space. Between 2014 and May 2016, an additional 0.4 acres of timber surrounding the cultivation area was cleared to enlarge the available cultivation area. The total amount of pre-baseline conversion was approximately 1.4 acres. Between 2016 and 2019, an additional 0.4 acres of timber conversion took place, also without benefit of a *Less Than Three Acre Conversion Permit*, to enlarge the available cultivation area. The total amount of unpermitted timber conversion on-site is approximately 1.7 acres. A *Timber Conversion Evaluation* was conducted by Timberland Resource Consultants dated August 11, 2017, which concluded conversion had occurred onsite and was below the 3-acre conversion exemption maximum and a total of 1.46 acres of timberland conversion occurred within cultivation sites and associated areas (see Attachment 3). For areas converted prior to August 11, 2017 (date of the report), the project is conditioned upon adhering to and implementing the recommendations in the *Timber Conversion Evaluation* including restocking the entirety of the pond cultivation area upon complete decommissioning of the onstream pond and removing treated woody debris in the watercourse channel near the western cultivation area and restocking the buffer area surrounding said watercourse. The conditions of approval also require restocking of the additional 0.4 acres that occurred between 2017 – 2019 at a 1:1 ratio, therefore, no net loss of timberland is proposed by the project to ensure consistency with the CMMLUO.

Access

Access to the site is via a private drive on Northview Road, a non-County-maintained road, which is accessed from Rancho Sequoia Road, a non-County-maintained road, which is accessed from Alderpoint Road, a County-maintained road. A Road Evaluation Report was prepared by DTN Engineering and Consulting (dated April 3, 2019), which determined that the private onsite road network on APN 217-381-007 can accommodate the cumulative increased traffic from this project (Attachment 3). Data on width, condition, and turnouts was collected with photographic documentation. All RPs were analyzed and it was determined that the portion of Rancho Sequoia Road does not meet a Category 4 roadway or equivalent and recommended to establish pullouts for curves, verify sizing and fix crushed or clogged culverts, remove abandoned vehicles, regrade the road to create positive drainage, and reestablish roadside ditches. It was also determined that the portion of Northview Road does not meet a Category 4 roadway or equivalent and recommended to verify sizing and fix crushed and clogged culverts, place lime in the areas of grade above 16%, regrade the road to create positive drainage, and clean/reestablish roadside ditches to fix the identified erosion issues.

The Rancho Sequoia Road network has been heavily evaluated, with the inclusion of outside agency comments and review including the SWRCB and the CDFW, including consulting engineers that have compiled detailed descriptions of the current conditions of the road a three-year and a ten-year remediation and improvement plan with associated cost estimates to complete the proposed work totaling roughly 1.5-million dollars. The improvements include the cleanup of chemical spills along the road, grading, re-sloping, installation of water bars, improvements to drainage, culverts, and the use of fill, and the application of lime and lignin for areas of high clay that have led to sink holes and major rutting. Due to the extensive level of road improvements and associated costs, the road improvement projects will be performed under the Rancho Sequoia Road Association (RSRA) (A Road Maintenance Association) including acquiring a Lake or Streambed Alteration Agreement through the CDFW, permits and approval including sign off of a Restoration and Monitoring Plan (RMP) through the SWRCB, and all required permitting and review through the Public Works Land Use. The applicant provided evidence of inclusion within the RSRA including annual receipts showing the required contributions to the association. The RSRA will be conditioned to implement and adhere to any finalized or amended Lake or Streambed Alteration Agreement tied to the road improvements as included in the recommended improvements of the engineered road evaluation performed by DTN engineering (Attachment 3) as well as adherence to the approved RMP through the SWRCB conditions to any road improvements that fall under their jurisdiction. In the event the applicant is unable to maintain membership within Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road through the life of the project. Additional documentation approved or required by CDFW or SWRCB shall be provided to the

Humboldt County Planning Department on an annual basis or upon project updates whichever occurs first and an annual period.

Finally, per comments received from the Department of Public Works, Land Use Division in June 2019, all driveways and public road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance), and any existing or proposed non-county maintained access roads that will serve as access for the project that connect to a County maintained road shall be improved to current standards for a commercial driveway. Such improvements required include paving the access road (Rancho Sequoia Road) for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road), which has been included as a condition of approval.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information). Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit.

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: 21-
Records Number: PLN-12730-CUP
Assessor's Parcel Number: 216-381-034**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Brandon Bilandzija Conditional Use Permit request.

WHEREAS, Brandon Bilandzija, submitted an application and evidence in support of approving a Conditional Use Permit for an existing 13,350 square foot (SF) outdoor cannabis cultivation operation in four (4) light deprivation greenhouses which do not utilize any artificial lighting. No ancillary propagation occurs onsite. Estimated annual water usage is 195,517 gallons. Irrigation water will be sourced from a proposed groundwater well. Existing available water storage will be a minimum of 18,000 gallons in a series of hard-sided tanks if the applicant can demonstrate the well is disconnected from surface waters. If the well is connected to surface waters, the applicant is required to install 195,517 gallons of water storage prior to cultivation. Drying, bucking, and processing occurs onsite. Up to six persons may be utilized onsite during peak operations. Processing is required to be conducted off-site until there is a permitted structure that complies with the American with Disabilities Act (ADA) and an Onsite Wastewater Treatment System (OWTS) is developed. Power for cultivation will be sourced from a proposed PG&E agricultural connection; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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 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 October 21, 2021, 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 an existing 13,350 square foot (SF) outdoor cannabis cultivation operation in four (4) light deprivation greenhouses which do not utilize any artificial lighting. No ancillary propagation occurs onsite. Estimated annual water usage is 195,517 gallons. Irrigation water will be sourced from a proposed groundwater well. Existing available water storage will be a minimum of 18,000 gallons in a series of hard-sided tanks if the applicant can demonstrate the well is disconnected from surface waters. If the well is connected to surface waters, the applicant is required to install 195,517 gallons of water storage prior to cultivation. Drying, bucking, and processing occurs onsite. Up to six persons may be utilized onsite during peak operations. Processing is required to be conducted off-site until there is a permitted structure that complies with the American with Disabilities Act (ADA) and an Onsite Wastewater Treatment System (OWTS) is developed. Power for cultivation will be sourced from a proposed PG&E agricultural connection; and

EVIDENCE: a) Project File: PLN-12593-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 was prepared to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the WRPP and submittal of enrollment documentation to verify enrollment under the General Order.
 - d) Review of the California Natural Diversity Database (CNDDDB) in September 2021 indicates no mapped sensitive species onsite. However, Northern Spotted Owl (NSO) habitat exists in the vicinity and the nearest activity center is within 5.3 miles of the site. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices. Because the site is forested and there is potential for NSO to exist, conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. The project is also conditioned to avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Standards for security lighting (no mixed light cultivation or propagation is authorized by this permit), refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.
 - e) The Bear River Band of Rohnerville Rancheria reviewed the proposed project and responded that the proposed project is unlikely to result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
 - f) Access to the site is via a private drive on Northview Road, a non-County-maintained road, which is accessed from Rancho Sequoia Road, a non-County-maintained road, which is accessed from Alderpoint Road, a County-maintained road. A Road Evaluation Report was prepared for the private onsite road network by DTN Engineering and Consulting in April 2019 which identified that the road is able to accommodate the cumulative increased traffic from this project. The project is conditioned to make roadway improvements outlined in the Road Evaluation Report.

Additionally, the project is conditioned to require to provide evidence of annual receipts showing the required contributions to the Rancho Sequoia Road Association (RSRA). The RSRA will be conditioned to implement and adhere to any finalized or amended Lake or Streambed Alteration Agreement tied to the road improvements as included in the recommended improvements of the engineered road evaluation performed by DTN engineering (Attachment 3) as well as adherence to the approved RMP through the SWRCB conditions to any road improvements that fall under their jurisdiction. In the event the applicant is unable to maintain membership within Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road through the life of the project. Conditions of approval require the applicant to pave the access road (Rancho Sequoia Road) for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road) in order to meet commercial driveway standards.

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 proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes (Residential Agriculture (RA5-20) and Forestry Recreation (FR-B-5(10)) land use designation), consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing Forestry Recreation (FR-B-5(10)) zone in which the site is located.
- EVIDENCE**
- a) The Forestry Recreation (FR) Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.
 - b) All general agricultural uses are principally permitted in the FR zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 13,350 square feet of cultivation on a 10-acre parcel is consistent with this and the cultivation area verification on file.
 - d) The site contains several Class II watercourses and the WRPP recommends various improvements to protect water quality and maintain necessary crossings. The site also contains an onstream pond developed without the benefit of County review, which is proposed to be removed and the bed and banks restored to natural conditions. Conditions of approval require the applicant to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are

completed to the satisfaction of CDFW. Conditions of approval also require the applicant to implement the recommendations in the WRPP and Timber Conversion Report. By implementing permit conditions from CDFW, as well as the recommendations in the WRPP and Timber Conversion Report, impacts to the SMA are minimized.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 34 of Book 216, Page 38).
- c) Water for irrigation is provided by a proposed groundwater well. Historically, water for irrigation was sourced from a spring diversion and an on-stream pond. The applicant is proposing to drill a well to replace the historical diversionary water sources. Planning staff supports the replacement of the diversionary water sources with a groundwater well to reduce impacts associated with water diversion. Proposed water storage is 18,000 gallons and water will be stored in proposed plastic water storage tanks of varying sizes across the property. Conditions of approval require the applicant to provide evidence the proposed well is hydrologically disconnected from surface waters prior to cultivation. If the applicant cannot demonstrate the well is hydrologically connected from surface waters, the conditions of approval require the applicant to increase water storage to cover the forbearance period of April 1 – October 31 as required by the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy. Total water storage required would be 195,517 gallons and would be stored in tanks located in a previously disturbed area. Alternate forms of water storage (e.g. off-stream pond) would require a modification of this permit.
- d) The applicant is proposing to process in temporary car port structures and there is no Onsite Wastewater Treatment System (OWTS) on the subject parcel. Although drying and bucking can be conducted agricultural accessory structures, processing must be conducted in a structure that complies with the Americans with Disabilities Act (ADA) and has an OWTS to handle wastewater associated with processing activities and employees on-site. Portable bathroom facilities are accepted for cultivation-related staff. This permit does not authorize on-site processing until such time that an ADA-compliant structure and OWTS are developed on the subject parcel. The processing structure must be less than 2,500 SF and be proposed within a previously disturbed area. This permit does not authorize use of temporary tents to be used for processing. Conditions of approval allow for the use of portable bathroom facilities for cultivation staff.
- e) Access to the site is via a private drive on Northview Road, a non-County-maintained road, which is accessed from Rancho Sequoia Road, a non-County-maintained road, which is accessed from Alderpoint Road, a County-maintained road. A Road Evaluation Report was prepared for the private onsite road network by DTN Engineering and Consulting in April 2019 which identified that the road is able to accommodate the cumulative increased traffic from this project. The project is conditioned to

make roadway improvements outlined in the Road Evaluation Report. Additionally, the project is conditioned to require to provide evidence of annual receipts showing the required contributions to the Rancho Sequoia Road Association (RSRA). The RSRA will be conditioned to implement and adhere to any finalized or amended Lake or Streambed Alteration Agreement tied to the road improvements as included in the recommended improvements of the engineered road evaluation performed by DTN engineering (Attachment 3) as well as adherence to the approved RMP through the SWRCB conditions to any road improvements that fall under their jurisdiction. In the event the applicant is unable to maintain membership within Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road through the life of the project. Conditions of approval require the applicant to pave the access road (Rancho Sequoia Road) for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road) in order to meet commercial driveway standards.

- f) The slope of the land where cannabis will be cultivated is less than 15%.
- g) The total amount of unpermitted timber conversion on-site is approximately 1.7 acres. A *Timber Conversion Evaluation* was conducted by Timberland Resource Consultants dated August 11, 2017, which concluded conversion had occurred onsite and was below the 3-acre conversion exemption maximum and a total of 1.46 acres of timberland conversion occurred within cultivation sites and associated areas. For areas converted prior to August 11, 2017 (date of the report), the project is conditioned upon adhering to and implementing the recommendations in the *Timber Conversion Evaluation* including restocking the entirety of the pond cultivation area upon complete decommissioning of the onstream pond and removing treated woody debris in the watercourse channel near the western cultivation area and restocking the buffer area surrounding said watercourse. The conditions of approval also require restocking of the additional 0.4 acres that occurred between 2017 – 2019 at a 1:1 ratio, therefore, no net loss of timberland is proposed by the project to ensure consistency with the CMMLUO.
- h) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 13,350 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) A Road Evaluation Report was prepared for the private onsite road network by DTN Engineering and Consulting in December 2020 which identified that the road is suitable for safe access to and from the project site.
- b) The site is in a rural part of the County where the typical parcel size is over 10 acres. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been

approved or are in the application process will not change the character of the area.

- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for cannabis cultivation irrigation will be provided by a proposed groundwater well. Upon completion, all well related documents will be provided to the Planning Department for staff to determine if the well is likely to be hydrologically disconnected from surface waters. If this cannot be shown to the satisfaction of the Department the well will be subject to forbearance and water storage requirements.
- e) A Water Resource Protection Plan was prepared by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected. Conditions of approval require the applicant to adhere to and implement the recommendations in the SMP and comply with the State Water Resources Control Board's Cannabis Cultivation Policy.

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.

DECISION

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

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

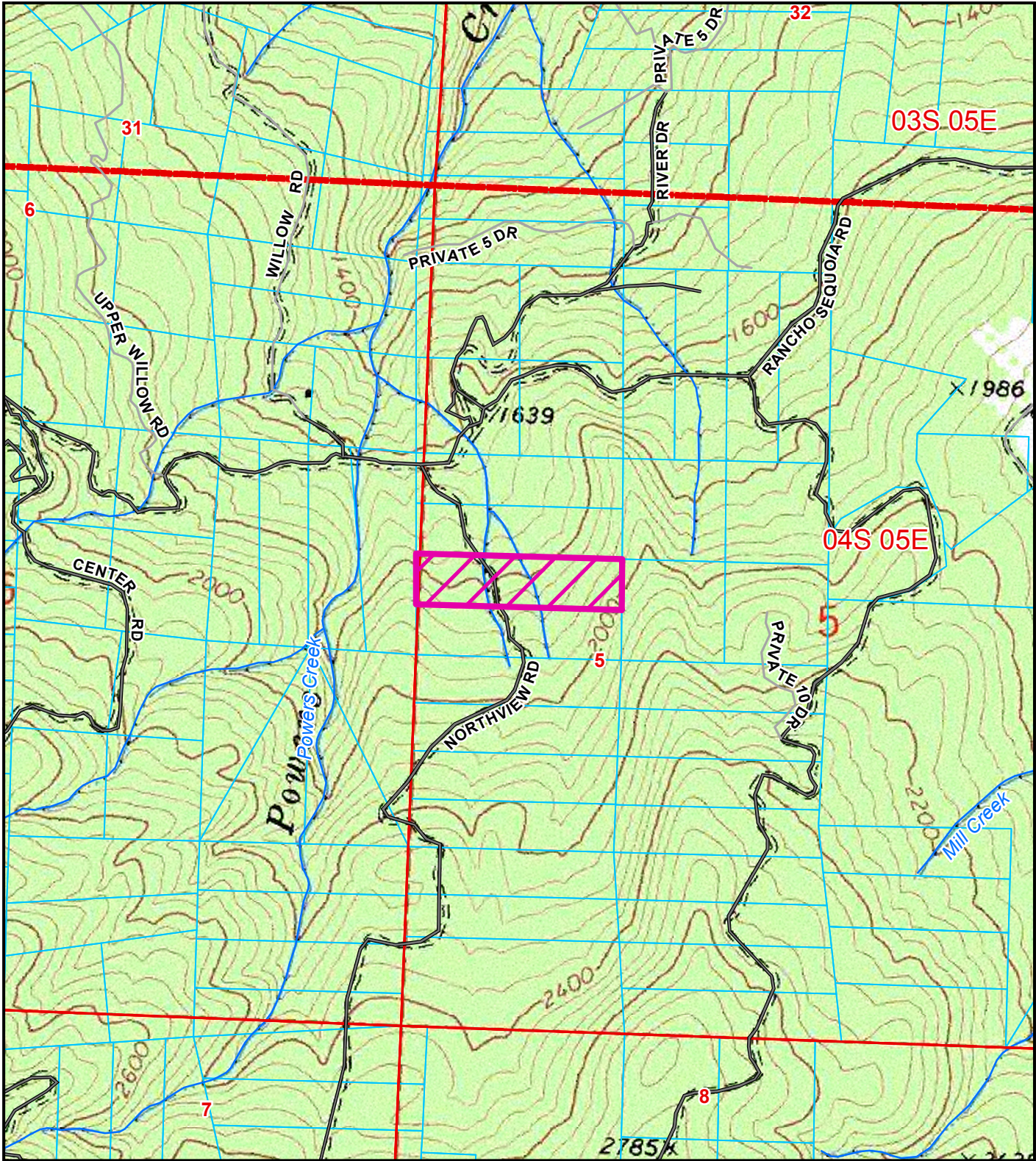
Adopted after review and consideration of all the evidence on October 21, 2021.

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.

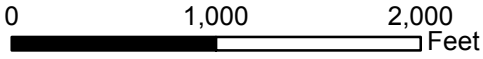
 John Ford, Director
 Planning and Building Department



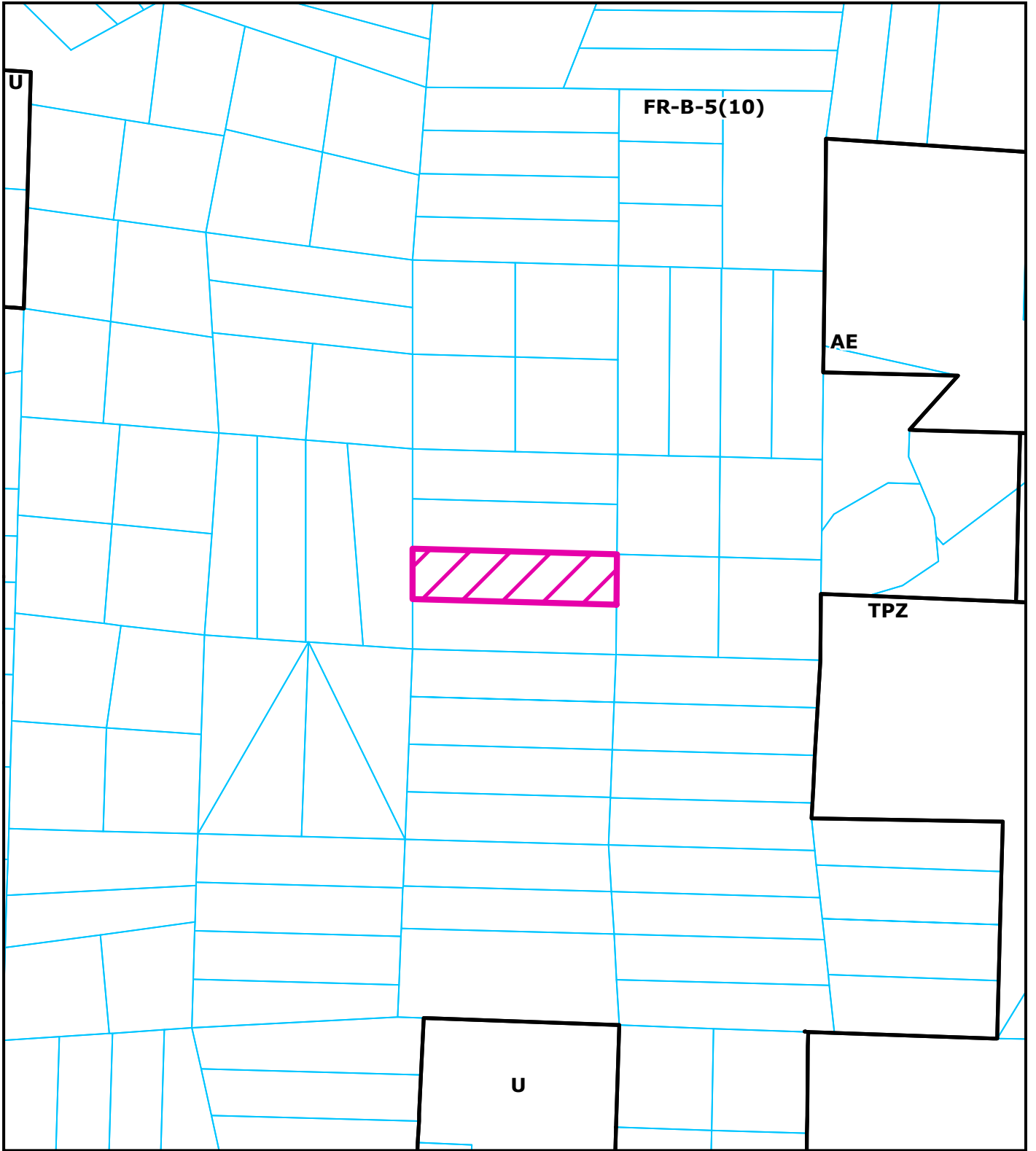
Project Area = 

**TOPO MAP
 PROPOSED BRANDON BILANDZIJA
 ALDERPOINT AREA
 CUP-16-822**

**APN: 216-381-034-000
 T04S R05E S6; S5 HB&M (FORT SEWARD)**



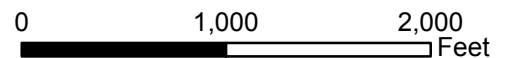
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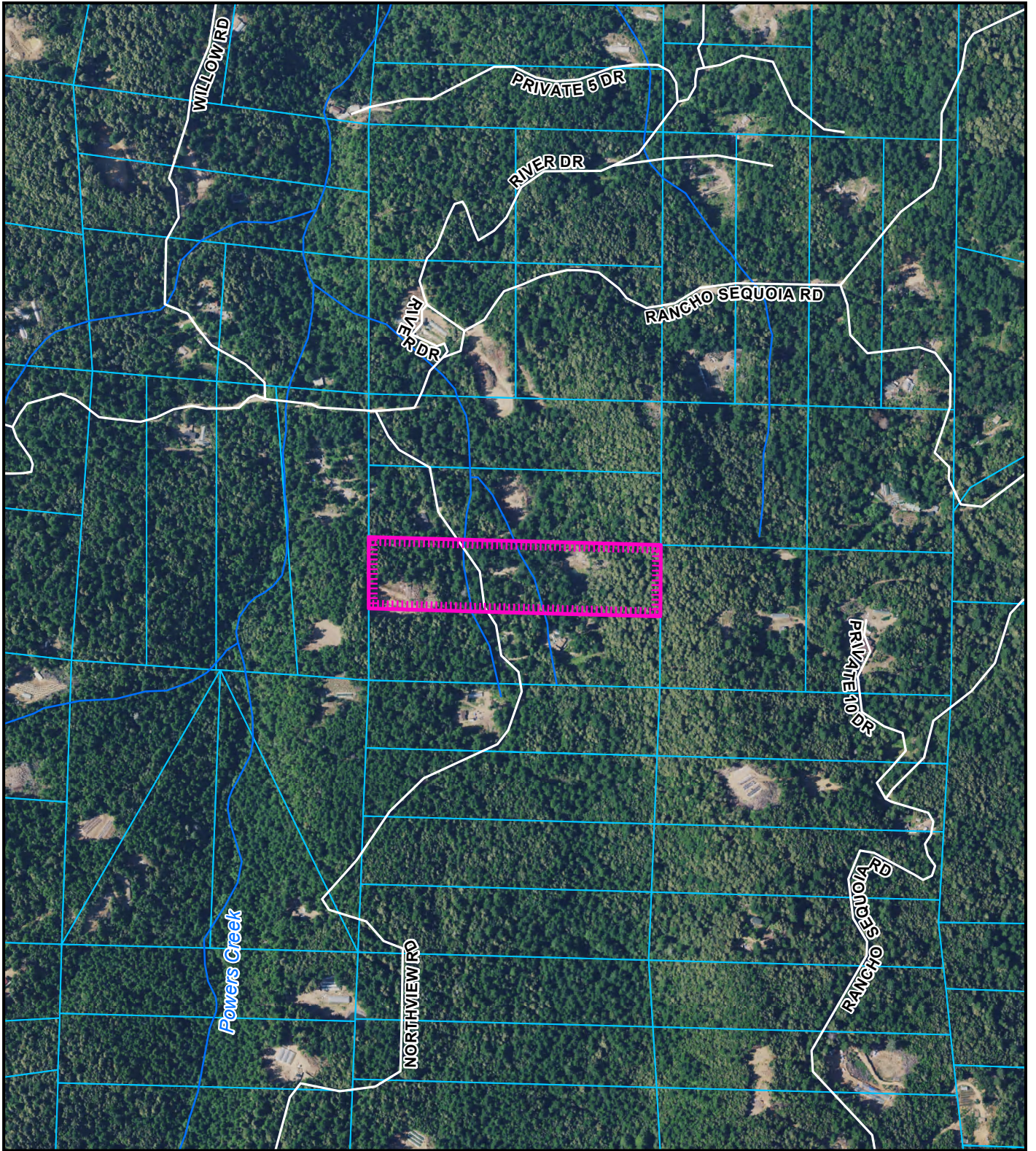
Project Area = 

**ZONING MAP
 PROPOSED BRANDON BILANDZIJA
 ALDERPOINT AREA
 CUP-16-822**

**APN: 216-381-034-000
 T04S R05E S6; S5 HB&M (FORT SEWARD)**



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.



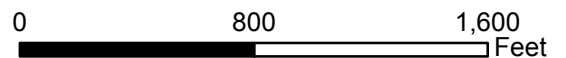
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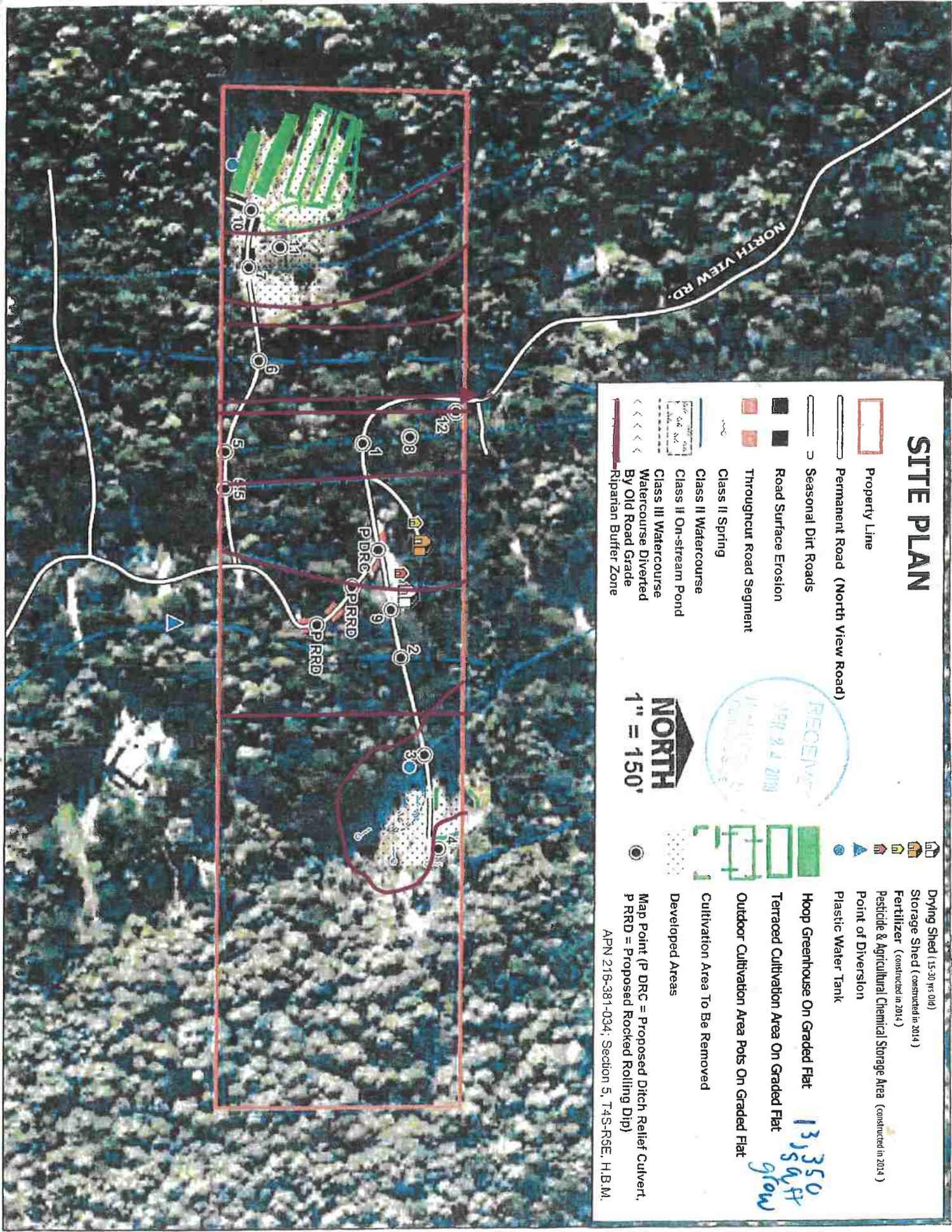
**AERIAL MAP
 PROPOSED BRANDON BILANDZIJA
 ALDERPOINT AREA
 CUP-16-822**

**APN: 216-381-034-000
 T04S R05E S6; S5 HB&M (FORT SEWARD)**



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.





SITE PLAN

- Property Line
- Permanent Road (North View Road)
- Seasonal Dirt Roads
- Road Surface Erosion
- Throughcut Road Segment
- Class II Spring
- Class II Watercourse
- Class II On-stream Pond
- Class III Watercourse
- Watercourse Diverted By Old Road Grade
- Riparian Buffer Zone

NORTH
1" = 150'



- Drying Shed (15-30 yrs old)
 - Storage Shed (constructed in 2014)
 - Fertilizer (constructed in 2014)
 - Pesticide & Agricultural Chemical Storage Area (constructed in 2014)
 - Point of Diversion
 - Plastic Water Tank
 - Hoop Greenhouse On Graded Flat
 - Terraced Cultivation Area On Graded Flat
 - Outdoor Cultivation Area Pits On Graded Flat
 - Cultivation Area To Be Removed
 - Developed Areas
- Map Point (P DRG = Proposed Ditch Relief Culvert, P RRD = Proposed Rocked Rolling Dip)
- APN 216-381-034; Section 5, T4S-R5E, H.B.M.
- 13350
grows

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. **Within three days of the effective date of permit approval**, the Department will file the NOD and will charge this cost to the project.
5. Prior to the commencement of any cultivation activities onsite for the 2022 cultivation year, the applicant shall install additional water storage so that available water storage is 195,517 gallons to support the forbearance period or shall provide evidence that the proposed well is not hydrologically connected to surface waters of the state. Submittal of proof (e.g. well completion log or report prepared by a qualified hydrologist) that the well is not hydrologically connected to surface waters to the Humboldt County Planning Department for review and approval shall satisfy this condition. Based on the submitted evidence, Humboldt County Planning Department will determine if the additional waters storage is required. A sign-off from the Planning Department will satisfy this condition.
6. Prior to the use of power on the subject parcel, the applicant shall have on-grid (PGE) power connected to the subject parcel. The applicant shall provide evidence (e.g. permits and photographs) to demonstrate the on-grid power is connected. A sign-off from the Planning Department will satisfy this condition.
7. Within 60 days of the effective date of permit approval, the applicant shall submit a revised site plan which reflects the current conditions of the project site including structure size and use, setbacks from the above stated to property lines, all cultivation areas, and areas to be restored/restocked.
8. 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 #9 through #18. 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.

9. 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 and proposed structures associated with drying and storage, graded flats, improvements associated with decommissioning of the on-stream pond and any noise containment structures, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
10. Prior to construction of a processing structure and processing on-site, the applicant shall secure permits for a structure less than 2,500 square feet in size and is compliant with the Adults with Disabilities Act (ADA). The structure shall be placed in a previously disturbed location. No new ground disturbed or timber conversion is authorized to develop the processing structure. The applicant is required to process off-site until such time conditions of approval associated with processing structure met or for the life of the project if the structure is not developed. A letter or similar communication from the Humboldt County Building Department will satisfy this condition.
11. Prior to processing on-site, the applicant shall secure permits and install an onsite sewage disposal systems and restroom facilities prior to processing onsite. Portable toilet and handwashing facilities may be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
12. The applicant is required to provide evidence, of inclusion within the Rancho Sequoia Road Association (RSRA) (a Road Maintenance Association) including annual receipts showing the required contributions to the association. The RSRA shall implement and adhere to the approved RMP through the SWRCB conditions to any road improvements that fall under their jurisdiction. In the event the applicant is unable to maintain membership within Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road through the life of the project. Additional documentation approved or required by CDFW or SWRCB shall be provided to the Humboldt County Planning Department on an annual basis or upon project updates whichever occurs first and an annual period. A sign-off from the Planning Department will satisfy this condition.
13. The applicant shall pave the access road (Sequoia Rancho Road) for a minimum width of 20 feet and a length of 50 feet where it intersects the County road (Alderpoint Road) in order to meet commercial driveway standards. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County-maintained right of way. A sign-off from the Public Works Department will satisfy this condition.
14. The applicant is required to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Water Resource Protection Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
15. The applicant shall complete the recommendations included in the Timber Conversion Evaluation, prepared by Timberland Resource Consultations, dated August 11, 2017. These recommendations

include but are not limited to removal of the onstream pond, restoration of disturbed areas, restocking with native species, decommissioning/improvement of various stream crossings, and erosion control measures. Upon completion of the improvements, the applicant shall submit a letter or similar communication from a Registered Professional Forester (RPF) that the improvements were completed as recommended in the Timber Conversion Evaluation, prepared by Timberland Resource Consultations, dated August 11, 2017. A sign-off from the Planning Department will satisfy this condition.

16. The applicant shall implement all corrective actions and recommendations detailed in the *Water Resources Protection Plan*, prepared by Timberland Resource Consultants, dated April 19, 2018. These recommendations include but are not limited to removal of the onstream pond, restoration of disturbed areas, restocking with native species, decommissioning/improvement of various stream crossings, and erosion control measures. The applicant shall submit a letter or similar communication from a qualified professional (e.g. civil engineer or Registered Professional Forester) that the improvements were completed as recommended in the *Water Resources Protection Plan*, prepared by Timberland Resource Consultants, dated April 19, 2018. A sign-off from the Planning Department will satisfy this condition.
17. The applicant shall implement all corrective actions and recommendations detailed in the *Justification for Relocation*, prepared by Timberland Resource Consultants, dated April 13, 2019. These recommendations include but are not limited to removal of the onstream pond, restoration of disturbed areas, restocking with native species, decommissioning/improvement of various stream crossings, and erosion control measures. The applicant shall submit a letter or similar communication from a qualified professional (e.g. biologist or Registered Professional Forester) that the improvements were completed as recommended in the *Justification for Relocation*, prepared by Timberland Resource Consultants, dated April 13, 2019. A sign-off from the Planning Department will satisfy this condition.
18. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) that includes, but is not limited to, decommissioning of the on-stream pond and replacement of culverts as recommended by the Water Resources Protection Plan. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
19. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
20. All security lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard. Note: No mixed light cultivation or on-site propagation is authorized by this permit.

21. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
22. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
23. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
24. 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.
25. 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.
26. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. The applicant shall abide by recommendations detailed in the Water Resources Protection Plan, prepared by Timberland Resource Consultants, dated April 19, 2018, the Timber Conversion Evaluation, prepared by Timberland Resource Consultations, dated August 11, 2017, and the Justification for Relocation, prepared by Timberland Resource Consultants, dated April 13, 2019, which include but are not limited to Sediment Discharge BPTC Measures, Sediment Erosion Prevention and Sediment Capture, Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures, Petroleum Product BPTC Measures, Trash/Refuse, and Domestic Wastewater BPTC Measures, and Winterization BPTC Measures. Should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. The project will remain in compliance of 14CCR 939.9(e). In the event that sensitive species and or communities are present onsite, the applicant shall abide by all guidelines outlined in the Rapid Assessment to avoid negative impacts to the natural community.

3. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
4. 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.
5. 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.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
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 any applicable Lake and Stream Alteration (1600 or 1602) Permit 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. Show continual use of portable bathroom facilities prior to the annual inspection of the permit.
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.
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.).

Performance Standards for Cultivation and Processing Operations

26. 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."
27. 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).

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

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. 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.
33. 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.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the 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 Conditions of Approval #32 and 33 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

**APN 216-381-034; approximately 1.2 miles west from the intersection of Alderpoint Road and Rancho
Sequoia Road on the property known as 2201 Rancho Sequoia Road, Alderpoint
County of Humboldt**

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

September 2021

Background

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

The modified project involves a Conditional Use Permit (PLN-12730-CUP) for an existing 13,350 square foot (SF) medical cannabis cultivation operation in four (4) light deprivation greenhouses which do not utilize any artificial lighting. Ancillary propagation does not occur onsite. Irrigation water is sourced from a proposed groundwater well. Water storage consists of a proposed 18,000 gallons in various hard-sided tanks. Estimated annual water usage is 195,517 gallons (14.5 gal/SF). Cannabis processing will occur onsite. Power for cultivation will be sourced from a proposed PG&E agricultural connection.

Per the referral response from the Bear River Band of the Rohnerville Rancheria on September 10, 2019, Ms. Erika Cooper, the Tribal Historic Preservation Officer from the Bear River Band of the Rohnerville Rancheria, reviewed the project application and requested inadvertent discovery protocols as a condition of approval for the project. Conditions of approval will include standard language for inadvertent discovery.

A search of the California Natural Diversity Database (CNDDDB) biological resources database was performed on September 10, 2021. No special status species were documented onsite, and the nearest Northern Spotted Owl (NSO) activity center is located approximately 5.3 miles from the project area. Additional surveys are recommended if any earthwork is proposed and are included as Conditions of Approval. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices. The project plan will comply with 14CCR 939.9(e). The project is also conditioned to limit impacts to biological resources, including ensuring that any supplemental lighting used for cultivation and security lighting adheres to Dark Sky Association standards and that project related noise does not harass nearby wildlife. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

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 relocating cultivation to an environmentally superior location, water conservation techniques to avoid excess evaporation, and site drainage, erosion, and runoff control measures implemented in accordance with the Site Management Plan for the site to protect water quality. Additionally, all development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors. No timber conversion has occurred since the baseline.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162

calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 30,000 square feet or less of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Timberland Resource Consultants (TRC) dated 4/24/2019;
- *Cultivation and Operations Plan* prepared by CannaFarms Consulting dated 9/14/2017;
- Water Resource Protection Plan prepared by TRC dated 4/19/2018;
- Timber Conversion Evaluation prepared by TRC dated 8/11/2017;
- Justification for Relocation prepared by TRC dated 4/24/2019;
- CNDDDB biological resources search conducted by LACO Associates on 9/10/2021;
- Road Evaluation for private onsite road network prepared by DTN Engineering and Consulting dated December 2020.

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 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 – Plot Plan dated April 24, 2019)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached** – Cultivation and Operations Manual prepared by CannaFarms Consulting dated September 14, 2017)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above).
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (**Attached** – Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants and dated 11/26/2018; Conditions of approval – Maintain enrollment in State Cannabis Cultivation Program)
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. (On file – Notification of Lake or Streambed Alteration; Conditions of Approval require submittal of final executed Lake or Streambed Alteration Agreement)
9. If the source of water is a well, a copy of the County well permit, if available. (Conditions of Approval require submittal of finalized well permit)

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. (**Attached** – *Timberland Conversion Evaluation* prepared by Timberland Resource Consultants dated August 11, 2017)
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 and confidential)
15. *Engineer’s Road Evaluation Report* prepared by DTN Engineering and Consulting dated April 3, 2019. (**Attached**)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form), prepared by applicant and not dated. (On file)
17. *Preliminary Grading and Erosion Control Plan* prepared by A.M. Baird Engineering and Surveying, Inc. dated November 26, 2018. (**Attached**)
18. *Justification for Relocation* prepared by Timberland Resource Consultants dated April 13, 2019. (**Attached**)

Cultivation and Operations Plan Bilandzija Bros



Humboldt County Commercial Medical Cannabis Land Use Ordinance

APN 216-381-034-000
2209 Sequoia Drive, Alderpoint

September 14, 2017

Submitted to:



Prepared by:



Table of Contents

I. Site Description	1
Figure 1: Project Location Map	1
II. Past Cultivation	2
Figure 2: 1998 - Google Earth Imagery	2
Figure 3: 2004 - Google Earth Imagery	2
III. Project Proposal	4
Figure 4: Proposed Area of Cultivation	4
A. Cultivation	4
B. Well and Solar Power	5
C. Water Storage	6
D. Fertilizer and Amendment Storage	6
E. Compost	6
F. Driveway	6
H. CalFire SRA Requirements	6
I. Wastewater	7
IV. Schedule of Activities During Each Month.	7
Table 1: Bilandzija Bros Schedule of Activities	7
Figure 5: Estimated Water Usage Graph	8
V. Water Source, Storage, and Irrigation plan	8
A. Water Source	8
B. Wastewater	8
C. Storage	8
D. Irrigation Plan	8
VI. Site Drainage, Runoff, and Erosion Control Measures	9
A. Site Drainage	9
B. Runoff and Erosion Control Measures	9
VII. Watershed and Nearby Habitat Protection	9
VIII. Soil Management and/or Permaculture Methods	10
IX. Fertilizers, Pesticides, or Other Regulated Products	10
A. Storage Protocols	10
B. Fertilizers and Amendments Utilized	10
Table 2: Organic Soil Fertilizers and Amendments	10

C. Pesticides	11
Table 3: Legal Pest Management Practices for Marijuana Growers in California ...	11
X. Family Operations and Safety Practices	11
A. Family Operations	11
B. Safety Practices	11
XI. Processing Practices and Plan	13
A. Processing Practices	13
B. Processing Plan	13
C. Parking and Road Usage	13
XII. Security Plan	13

I. Site Description

Bilandzija Bros' cultivation operations are located at APN 216-381-034 -000 on 2209 Rancho Sequoia Drive outside of Alderpoint. The site is approximately two thousand feet (2,000') in elevation above Powers Creek which flows to Steelhead on the Eel River (Figures 1). It is an assessed parcel ten acre (10ac) in size and has an Forestry Recreational Special Building Site (FR-B-5(10)) zoning. Sitting outside of Alderpoint, it is fairly accessible from Alderpoint Road off of Steelhead Road.

The area of cultivation is clustered on the two thousand foot (200') contour and is sloped. Overall slope of the cultivation area are flats on slopes averaging about thirty percent to thirty five percent (30%-35%). The site has been disturbed for a number of years for cultivation related purposes.

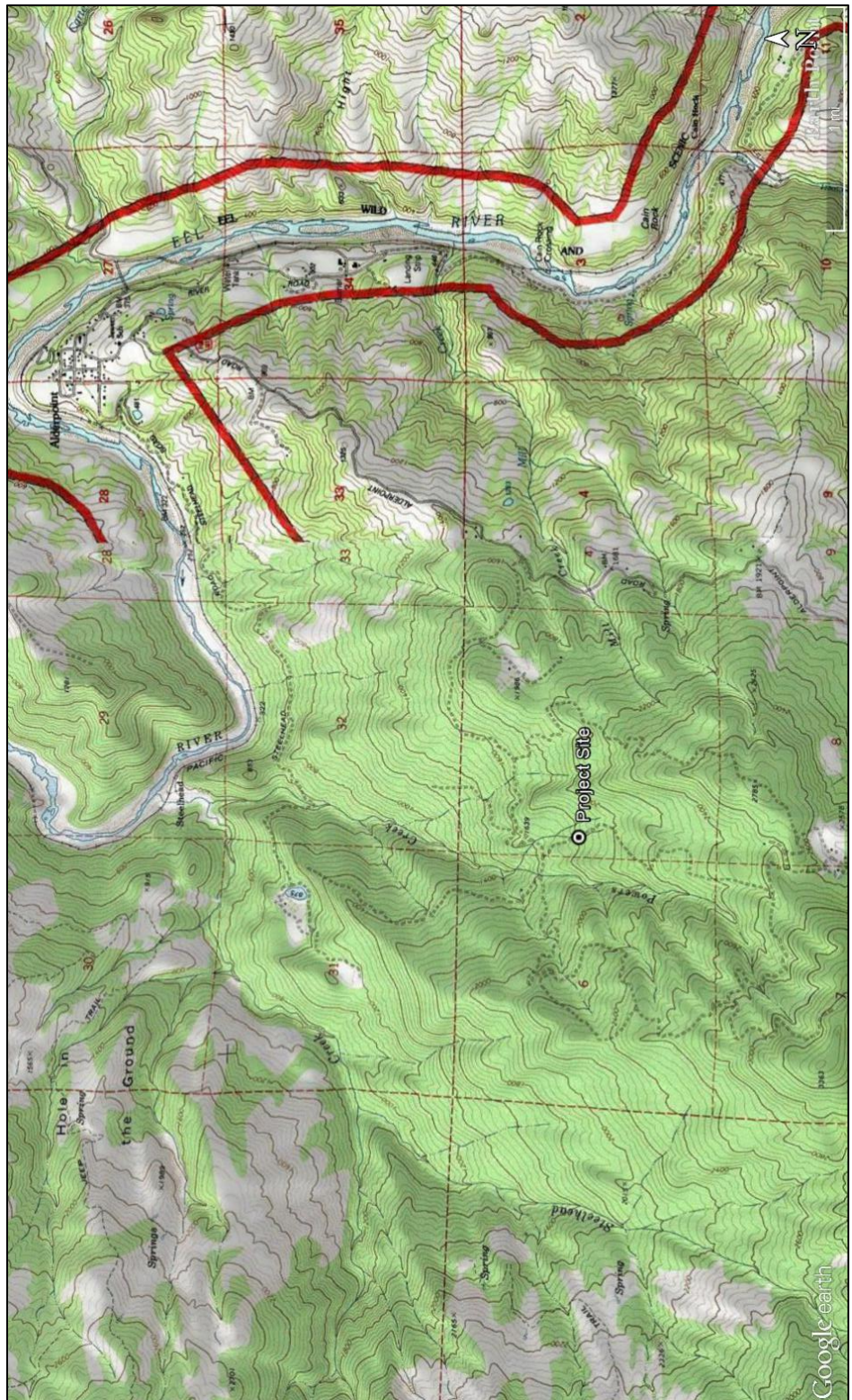


Figure 1: Project Location Map

II. Past Cultivation



Figure 2: 2012 - Google Earth Imagery

A review of publicly available satellite imagery shows that the site has been used for cultivation since 2012 (Figure 2). At that time cultivation was hidden in a small area next to the spring and what would later become the pond. Until that time, the parcel had been raw timber lands.



Figure 3: 2014 - Google Earth Imagery

By 2014 the areas of cultivation were logged and graded (Figure 3). This development was undertaken by the current owner. This development took place without a 3-acre conversion permit.

The November 4, 2015 image set from TerraServer is hereby submitted as evidence of past cultivation as required under HCC55.4.9.4 (Figure 4). There are two (2) discreet cultivation areas of outdoor full term sun grown cannabis. Total cultivation for the 2015 season was equal to twenty one thousand fifty square feet (21,050²).

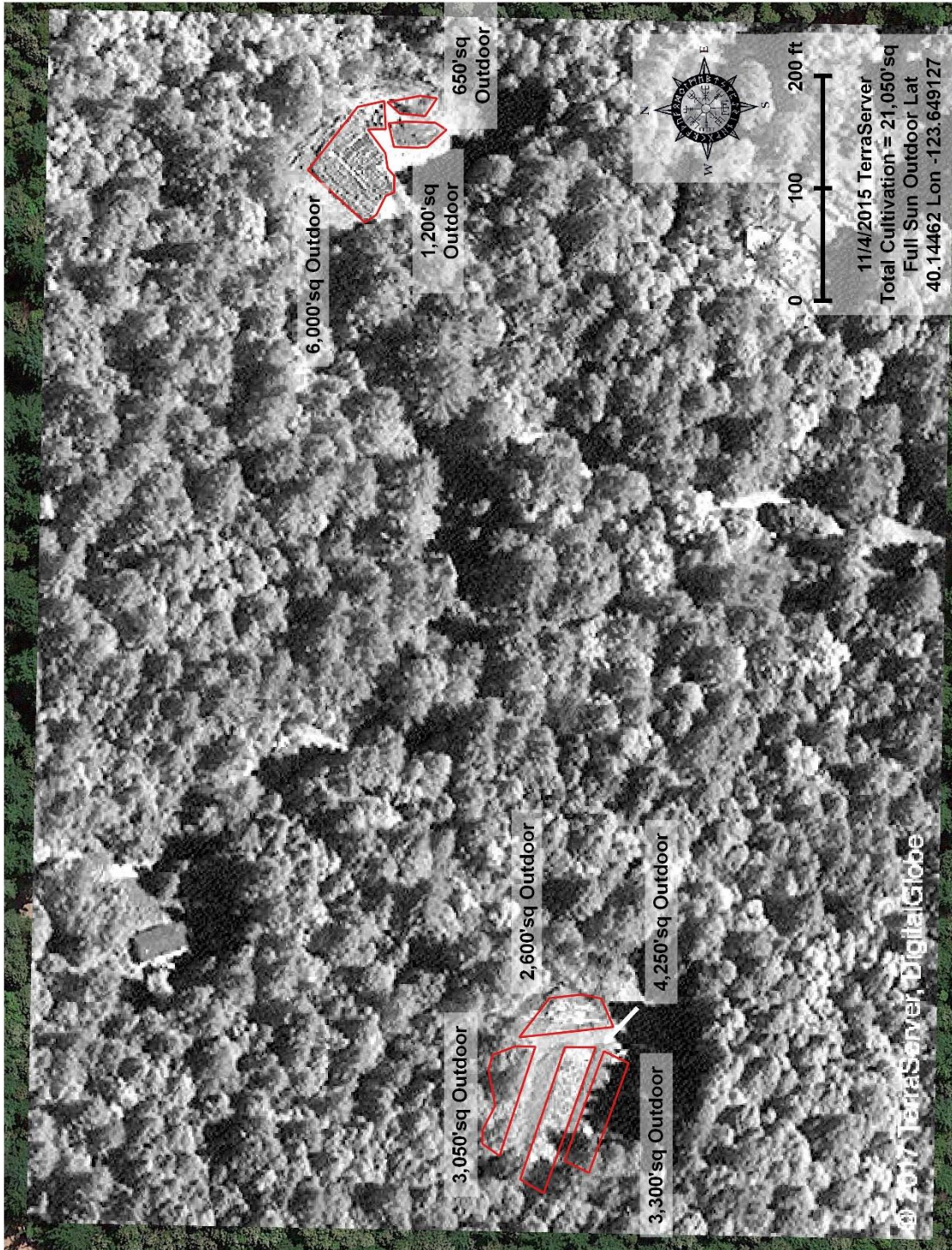


Figure 3: November 4, 2015 - Terraserver Imagery

III. Project Proposal

Bilandzija Bros' proposals consists of bringing the areas of current cultivation into full regulatory compliance for commercial cannabis cultivation as a "Family Owned and Operated Farm". The total area of cultivation being proposed is less than the amount of past activity due to a variety of site specific environmental factors and past cultivation being on inappropriate slopes. The proposal is for a total of sixteen thousand eight hundred sixty square feet (16,860²) of cultivation to be consolidated into greenhouses as an environmental superior option to past operations (Figure 4).

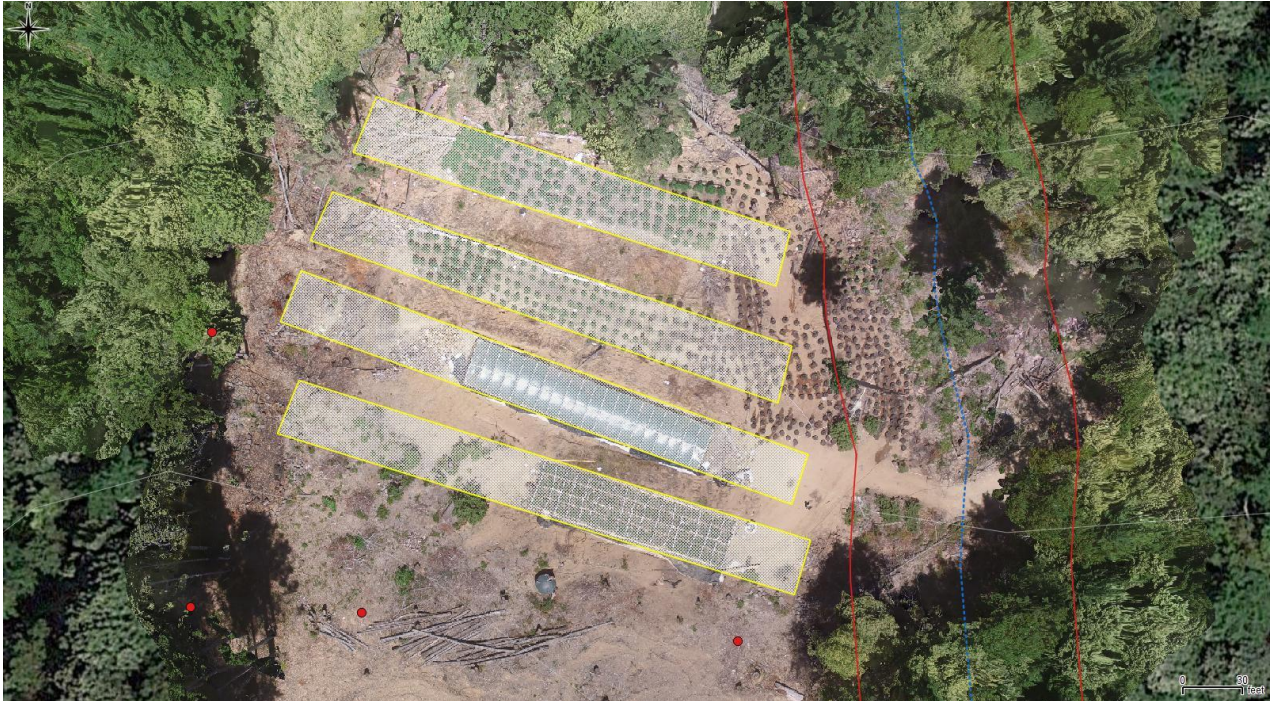


Figure 4: Proposed Area of Cultivation

A. Cultivation

All past cultivation is proposed to be consolidated into four (4) Ag-exempt greenhouses. The pond area is proposed to be moved as an environmentally superior that reduces localized impacts. The areas of the proposal occupy soils that have been developed in the past are a mix of in-ground beds and air pots. The following is planned as part of the cultivation operations:

- All soils in pots are proposed shall be placed into raised beds within the greenhouses.
- Propagation of plants shall not occur on-site and it is planned that cuttings shall be bought in bulk for annual plantings from a locally licensed nursery such as Wonderland Nursery.
- Lights are not proposed to be installed within the greenhouses which shall be operated as full sun outdoor.
- Drying shall occur within the greenhouses by pulling tarps.

- Installation shall occur after an Ag-Exempt permit is issued by the Humboldt County Building Department.
- A grading plan shall be developed by a licensed qualified engineer and submitted to the Humboldt County Building Department.
- Implementation of the grading plan and permit shall be by a licensed and qualified contractor under permit.

To undertake operations, the following is proposed for development:

1. Two (2) twenty foot by two hundred foot (20'X200') four thousand square foot (2,000'²) greenhouse areas totaling eight thousand square feet (8,000'²).
2. A single twenty foot by one hundred ninety three foot (20'X193') greenhouse area totaling three thousand eight hundred sixty feet (3,860'²).
3. A single twenty five foot by two hundred foot (25'X200') greenhouse area totaling five thousand square feet (5,000'²).

B. Environmental Restoration

The site was developed illegally without a permit. Timber was logged without a permit or plan. A seep spring was utilized without a water right. The pond was installed without a grading permit or streambed alteration permit.

Environmental degradation of the site is fairly significant. To bring the site into compliance shall require restoration of streamside areas. This includes installation and removal of culverts, removal of in-stream berms, road removal, and riparian revegetation.

- Timberland Resource Consultants has performed a Timber Conversion evaluation and all measures shall be implemented.
- Timberland Resource Consultants is undertaking a DFW 1600 permit and all measures shall be implemented.
- Timberland Resource Consultants shall undertake the Water Resources Protection Plan and all measures shall be implemented.
- Revegetation shall utilize native tree and riparian plant species.
- A grading plan shall be developed by a licensed qualified engineer and submitted to the Humboldt County Building Department.
- Implementation of the grading plan and permit shall be by a licensed and qualified contractor under permit.

C. Well

The parcel currently utilizes a surface spring diversion and pond for storage. To come into compliance shall require a different source of water. It is proposed to install a well to meet the needs of the operation. To power the well pump it is proposed to utilize on-site power with a separate electrical connection.

- The well shall be drilled by a licensed well driller who shall file all permitting with the Humboldt County Department of Environmental Health.
- PGE shall provide an Agricultural Drop for the well.

- Installation of electrical connections shall meet be submitted for permitting through the Humboldt County Building Department meeting all code requirements.

D. Water Storage

Currently the site uses an illegally developed un-engineered pond which is blocking in-stream flow. Additional storage is proposed to maintain pressure and to act as mixing tanks prior to drip line feeding plants. Total additional storage proposed on site is eighteen thousand gallons (18,000gal), which includes a dedicate fire suppression tank, utilizing three thousand gallon (3,000gal) to five thousand gallon (5,000gal) tanks.

- An Ag-Exempt permit shall be submitted to the Humboldt County Building Department.

E. Fertilizer and Amendment Storage

The site does not currently have a location to store fertilizer and amendments. Operations require a minimal amount of either to be on-site due to a "just in time" method of procurement from local businesses. To meet regulatory requirements a storage area shall be required, even for the temporary storage of regulated products and has been included as part of the overall proposal which is shown on the plot plan.

- All requirements of the Water Resources Protection Plan shall be implemented.
- A small twelve foot (10'X12') shed with concrete floor shall be developed.
- This structure is exempt from Humboldt County Building permitting requirements.
- Installation shall be prior to October 31, 2017 or May 1 to May 15, 2018 to ensure storage area is available for the next cultivation season.

F. Compost

The current compost pile is insufficient to manage on site spent soils which have built up over time and to meet discharge requirements. Therefore an upgrade is proposed. Further research will need to be done to determine the best type of compost for the site.

- All requirements of the Water Resources Protection Plan shall be implemented.
- If it is necessary to pour a foundation and walls with concrete over ten foot by twelve foot (10'X12') in size a Humboldt County Building Department permit shall be submitted.

G. Driveway

The driveway has issues requiring grading to meet all regulatory requirements.

- All requirements of the Water Resources Protection Plan shall be implemented.
- An engineered grading plan shall be submitted to the Humboldt County Building Department.
- A licensed and qualified contractor shall implement the grading plan under permit.

H. CalFire SRA Requirements

CalFire SRA requirements are required.

- A three thousand gallon (3,000gal) dedicated water storage tank for fire suppression shall be developed;
 - Eight (8) feet from flammable vegetation;

- Between four feet (4') and twelve feet (12') from the driveway and road;
- Between fifty feet (50') and one-half mile (½mi) from the all the building it serves;
- Have either a two and one-half inch (2½") of four and one-half inch (4½") N.H. male fire hose fitting; and,
- Bare a three inch (3") reflectorized blue dot on the tank and on a post within three feet (3') of the fire hose connection.

I. Wastewater

The site lacks a septic system, nor shall be occupied, and shall only be utilized for continued cultivation operations. To meet regulatory requirements for human waste management it is proposed to utilize portable toilet services. A location has been set aside specifically for this purpose which is easily accessible by a service vehicle.

- A locally licensed portable toilet service provider, for instance B&B Portable Toilets or Trusted Portable Toilets, shall provide contractual facilities for human waste.
- The site, services, and maintenance shall follow all Humboldt Department of Environmental Health requirements.

IV. Schedule of Activities During Each Month.

Bilandzija Bros is proposing a light deprevation cycle to take advantage of a host of environmental factors and ease of operations. There cultivation cycle shall consist of a six (6) month period with two (2) harvests. Record keeping of past water use was not undertaken and the projection (Figure 11) is an estimate. Therefore the following is proposed:

Table 1: Bilandzija Bros Schedule of Activities				
Month	Full Sun Outdoor Activities	Cultivation Schedule	Processing Activities	Projected Water Usage in Gallons
January	-	-	-	0gal
February	-	-	-	0gal
March	-	-	-	0gal
April	-	-	-	0gal
May	X	-	-	16,464gal
June	X	-	-	22,761gal
July	X	-X	X	37,632gal
August	X	-	-	47,039gal
September	X			38,694gal
October	X	X	-X	32,928gal
November	-	-	-	0gal
December	-	-	-	0gal
Yearly Total	6mo	2 Harvests	2mo	195,517gal

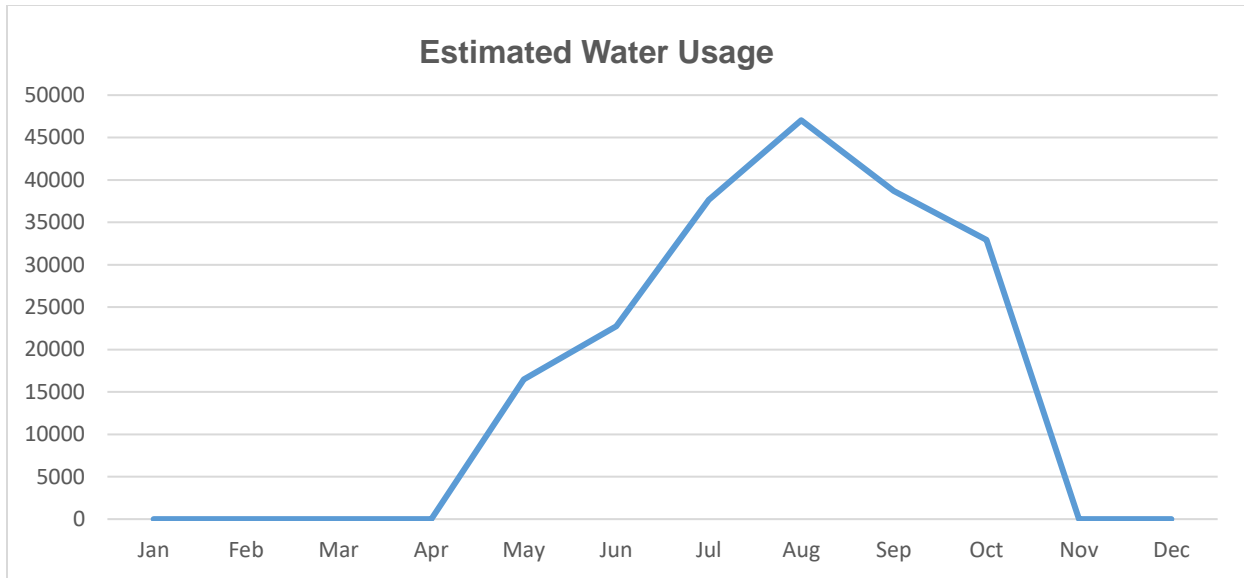


Figure 5: Estimated Water Usage Graph

V. Water Source, Storage, and Irrigation plan

A. Water Source

Bilandzija Bros utilizes a surface spring diversion and to come into compliance shall require a different source of water. It is proposed to install a well to meet the needs of the operation. To power the well pump it is proposed to a separate PGE connection.

B. Wastewater

Wastewater is not treated on-site. It is proposed to utilize portable toilet services and a location has been set aside specifically for this purpose which is easily accessible by a service vehicle. Service shall be provided by a locally licensed portable toilet service company. The site, services, and maintenance shall follow all Humboldt Department of Environmental Health requirements

C. Storage

Currently the site has a single three thousand gallon tank which acts as a pressure tank. Additional storage is proposed is proposed to avoid loss of water service for a couple days and to act as mixing tanks prior to drip line feeding plants. Total additional storage proposed on site is eighteen thousand gallons (18,000gal) which includes a dedicated fire suppression tank.

D. Irrigation Plan

Bilandzija Bros recognizes the benefits of water conservation to their business and potential issues to the watershed. Cultivation is proposed to utilize drip irrigation with watering occurring during the optimal times of the day, such around sunrise and/or sunset.

1. A detailed monthly schedule of watering activities shall be developed and conspicuously posted on-site.
2. Irrigation shall be of an agronomic rate not to exceed past the root zone.

3. A solar timer may be utilized.
4. Hygrometers may be used to determine proper soil irrigation.
5. Straw or ground cloth may be laid down upon the soil to reduce evaporation rates.

VI. Site Drainage, Runoff, and Erosion Control Measures

A. Site Drainage

Bilandzija Bros is located in the Powers Creek watershed which flows to the Eel River. The main road to the farm is Alderpoint Road which is a county maintained road. To access the site Rancho Sequoia Drive is utilized which may require an upgrade to meet regulatory requirements. In general, the cultivation areas are on the same contour, and just below this area slopes off.

B. Runoff and Erosion Control Measures

Bilandzija Bros recognizes the benefits of minimizing discharge to the watershed and anadromous fisheries of the Eel River. The following erosion control measures are proposed to be implemented:

1. All measures of the Water Resources Protection Plan shall be implemented.
2. Internal policies shall minimize discharge from farm related activities.
3. Road surfaces shall be graveled and meet CalFire SRA and/or Humboldt County Public Works requirements.
4. Soil beds within the enclosed greenhouses shall be contained and methods implemented to reduce soils loss to the outside.
5. Cover crops shall be utilized.
6. Straw and other erosion control methods shall be placed on the ground surrounding the cultivation areas.

VII. Watershed and Nearby Habitat Protection

Bilandzija Bros shall be utilizing the following to ensure protection of the watershed and nearby habitat:

1. All measures of the Water Resources Protection Plan shall be implemented.
2. All measures of the Timber Conversion Evaluation shall be implemented.
3. All measures of the DFW 1600 permit shall be implemented.
4. Revegetation shall utilize native tree and riparian plant species.
5. A grading plan shall be developed by a licensed qualified engineer and submitted to the Humboldt County Building Department.
6. Implementation of the grading plan and permit shall be by a licensed and qualified contractor under permit.
7. Internal policies and training shall minimize farm related activity discharge to the watershed.
8. Compost bin shall be self-contained.
9. Trash and recycling bins shall be secured and dumped at a local transfer station.
10. Cover crops shall be utilized.

VIII. Soil Management and/or Permaculture Methods

Bilandzija Bros shall construct greenhouses in beds within the soil and place growth medium within air pots within raised beds. Protection from overuse of inputs and reuse of these soils shall be a key component of operations. Operations shall protect this resource through the following means:

1. All measures of the Water Resources Protection Plan shall be implemented.
2. All farming on-site shall be certified organic.
3. Cultivation shall occur in raised beds or in the ground.
4. Mixing, tilling, and amending of soils shall occur within the beds.
5. Soils shall be reused, composted on-site, and no dumping off-site shall occur.
6. Composting shall consist of a dedicated area and be secure. Cultivation vegetative materials shall be chipped back into the compost pile.
7. Cover crops shall be utilized when not in cultivation for a month or more to reduce soils loss.

IX. Fertilizers, Pesticides, or Other Regulated Products

A. Storage Protocols

Bilandzija Bros intends to be a certified organic farm. Operations shall not be using regulated products, such as pesticides or herbicides. The followings are our proposed storage protocols:

1. All measures of the Water Resources Protection Plan shall be implemented.
2. A permanent storage area less than or equal to one hundred twenty square foot ($\leq 120'2$) shall be constructed with shelf and floor space for products to be stored according to manufacturer requirements.
3. Clean-up and containment protocols shall be developed and implemented to minimize discharge.
4. Clean-up and containment equipment shall be maintained in good operating condition on-site at all times.
5. Safe handling practices and protocols shall be developed for using clean-up and containment equipment.

B. Fertilizers and Amendments Utilized

Bilandzija Bros shall be utilizing the following certified organic amendments and fertilizers in Table 2.

1. Bat Guano	6. Fishbone	11. MycoApply Endo Ultra *
2. Bone Meal	7. Grape Compost	13. Neem Meal
3. Cascade Worm Castings	8. Gypsum	14. Phytamin Fish 3-2-0*
4. Crab Shell	9. Kelp Meal	15. Seabird Guano
5. Epsom Salt	10. Kickstart 6-1-2*	16. Shrimp Meal

*Organic Material Review Institute listed and California Department of Food & Agriculture registered organic input material.

C. Pesticides

Bilandzija Bros methods and care during cultivation typically require minimal pest management, though, there may be situations requiring the potential use of any the following agriculturally exempt products in Table 3.

Table 3: Legal Pest Management Practices for Marijuana Growers in California	
Active Ingredient	Pest or Disease
Azadirachtin	Aphids, Whiteflies, Fungus Gnats, Leafminers, Cutworms
Bacillus subtilis QST	Root Diseases, Powdery Mildew
Bacillus thuringiensis subsp. aizawai or kurstaki	Moth Larvae (E.G., Cutworms, Budworms, Borer)
Bacillus thuringiensis subsp. israelensis	Fly Larvae (E.G., Fungus Gnats)
Beauveria bassiana	Whiteflies, Aphids, Thrips
Cinnamon oil	Whiteflies
Gliocladium virens	Root Diseases
Horticultural Oils (Petroleum Oil)	Mites, Aphids, Whiteflies, Thrips; Powdery Mildew
Insecticidal Soaps (Potassium Salts of Fatty Acids)	Aphids, Whiteflies, Cutworms, Budworms
Iron phosphate, sodium ferric EDTA	Slugs And Snails
Neem Oil	Mites; Powdery Mildew
Potassium bicarbonate; sodium bicarbonate	Powdery Mildew
Predatory nematodes	Fungus Gnats
Rosemary + peppermint essential oils	Whiteflies
Sulfur	Mites, Flea Beetles
Trichoderma harzianum	Root Diseases
Active ingredients that are exempt from residue tolerance requirements and either exempt from registration requirements or registered for a use broad enough to include use on marijuana. http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/cannabis_enfrcmnt/pest_mgmt_practices.pdf	

X. Family Operations and Safety Practices

A. Family Operations

Bilandzija Bros shall be a family owned and operated business. At no time shall operations utilize the service of employees. Therefore Bilandzija Bros is exempt from MCRSA §19322(a)(6), MCRSA §19322(a)(9), and the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 as it is not an “Agricultural Employer”..

B. Safety Practices

Bilandzija Bros operations and processing operations shall implement safety protocols to protect the health and safety of its family members and customers, with adequate safety training relevant to their specific job functions, which may or may not include:

1. Drinking Water and Wastewater
 - a. The on-site well connection shall provide potable water and bottled water may also be provided.
 - b. Portable toilets contracted locally shall provide sanitary service.
2. Emergency Action Response Planning

- a. Family members shall be encouraged to receive training and certification in basic CPR & 1st Aid.
 - b. A CPR & 1st Aid Kit Station shall be provided on-site.
 - c. A working phone connection or emergency call button shall be connected to a monitored security system.
3. Fire Prevention
- a. A fire monitoring system may be installed, as it is not a necessity, due to minimal site development.
 - b. There shall be on-site a minimum of two (2) dry chemical fire extinguisher with a twenty pound (20lb) capacity in easily accessible locations.
 - c. Fire extinguishers shall be maintained and certified on an annual basis.
 - d. A three thousand gallon (3,000gal) dedicated water tank shall be installed meeting CalFire SRA requirements.
4. Hazard Communication Policies, Including Maintenance of Material Safety Data Sheets (MSDS)
- a. Training in the proper handling of all hazardous materials in the advent any are ever used.
 - b. In the advent that any regulated substances are ever used MSDS shall be posted visibly on-site at all times.
5. Materials Handling Policies
- a. All handling of cannabis shall meet all MAUCRSA and Humboldt County Code requirements.
 - b. Training in the handling of cannabis and other related on-site materials shall occur on an annual basis.
 - c. Equipment required for the safe handling of cannabis shall be provided and readily available on-site.
6. Job Hazard Analyses
- a. An independent risk assessment shall be undertaken within one (1) year.
 - b. Implementation of the risk assessment to reduce job hazards shall be undertaken to the greatest extent possible.
7. Personal Protective Equipment Policies; Including Respiratory Protection
- a. All personal equipment shall meet all MAUCRSA, OSHA, and Humboldt County Code requirements.
 - b. Bilandzija Bros shall provide certified safety glasses (tinted and clear), hats, disposable and reusable gloves, disposable face masks, and filtered respiratory protection as needed.
 - c. Training in the use, expectations, and access to personal protective equipment shall be provided on an annual basis.

XI. Processing Practices and Plan

A. Processing Practices

Bilandzija Bros shall implement and practice the following Processing Practices on-site at all times:

1. All work surfaces and equipment shall be maintained in a clean and sanitary condition meeting all MAUCRSA and Humboldt County Code requirements.
2. Prevention practices shall be implemented against the contamination or growth of E.coli, mold, mildew, or other microbiological agent upon or within processed cannabis.
3. Nitrile gloves and paper facemasks shall be used at all times.
4. Facemasks and gloves shall be in good operable condition.
5. Hands shall be sufficiently clean using sanitary methods of soap and hot water before initially handling cannabis, after using a restroom, or taking part in an activity which may introduce contamination.

B. Processing Plan

Bilandzija Bros processing plan of cultivated cannabis consists of:

1. Harvesting of cannabis is anticipated to occur twice a year.
2. Drying shall occur within the greenhouses by pulling the tarps.
3. Processing shall occur within temporary car port structures and be undertaken with the use of trim machines.
4. Processed and dried cannabis shall be weighed, packaged, labeled, and distributed to licensed dispensaries or distributors, as allowable under California law and Humboldt County Code, and shall adapt as changes occur.

C. Parking and Road Usage

Bilandzija Bros is proposing activities that shall have minimal impact to roads with no increase in traffic and usage than currently exists. The following shall be undertaken to minimize traffic:

1. The roadway shall meet all CalFire SRA and/or Humboldt County Public Works Department requirements.
2. The entrance shall be engineered according to Humboldt County Code requirements for approach and departure.

XII. Security Plan

Bilandzija Bros shall secure the cultivation area and associated activities using the following means:

1. An independent risk assessment shall be undertaken within one (1) year and implemented.
2. A monitored security system shall be put into use which may include call buttons, cameras, fire detection, laser or motion trip sensors, and other applicable technology.

3. The cultivation site may be secured behind a primary locked fourteen foot (14') gate and a six foot (6') fence.
4. The greenhouses shall be secured and visually obscured.
5. Operations shall be discreet, nor a nuisance, and not draw attention.



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trc@timberlandresource.com

August 11, 2017

Brandon P. Bilandzija
7583 Benbow Drive
Garberville Ca 95542

Dear Brandon:

Re: APN 216-381-034

The following is an evaluation of potential timberland conversion on proposed cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Permit Application for Brandon P. Bilandzija within APN 216-381-034. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.10 (j), cited below.

"Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

Timberland Resource Consultants (TRC) inspected and evaluated the proposed cultivation sites and associated areas contained within the application on August 11, 2017. The RPF exercised due diligence in reviewing all sites and all available resources to fully assess potential timberland conversion. This report evaluates the cultivation sites and associated areas for timber operations only. All other land alteration such a grading, construction, and other permit-regulated activities do not fall within the scope of this report. All property features and sites unrelated to cultivation activities also do not fall within the scope of this report. All findings are summarized in the report below.

Project Summary

The property is a 10-acre parcel located in the Ranch Sequoia subdivision southwest of the community of Alderpoint. Legal description is the SW 1/4 of the NW 1/4 of Section 5, Township 4S, Range 5E, Humboldt Base & Meridian. The property has a residence, numerous outbuildings, and two cultivation sites as described below. The greater property is densely forested with second growth tanoak, Pacific madrone, and Douglas-fir. Based upon increment borings of dominant Douglas-fir trees, the parcel appears to have been harvested (regenerated) approximately 60+ years ago. Review of 1968 aerial imagery shows numerous truck roads, brush, advanced regeneration and no signs of fresh skid roads or recent ground disturbance suggesting a timber harvest +/- 10-15 years prior. No timber harvesting has occurred since the original harvest and none have been recorded by Cal Fire on the property in the past 20-25 years (Watershed Mapper v2 http://egis.fire.ca.gov/watershed_mapper/). The current landowner, Brandon P. Bilandzija purchased the property from Keith Dager in April 2014.

Cultivation Site 1

The cultivation site encompasses an approximately 0.42 acre area, which consists of approximately 4,000 ft² of full term/outdoor cultivation. The site also contains an on-stream pond approximately 80-feet long by 50-feet wide by 18-feet deep. Review of aerial photos from 1993 to present reveals that the site was constructed between 2012 and 2014. Additional timber harvesting occurred south-southeast of the pond between 2014 and 2016 for the purpose of increasing sunlight. The cultivation site occupies a graded terrace between two watercourses composed of fill that was excavated during the creation of the pond.

Cultivation Site 2

The cultivation site encompasses an approximately 1.04 acre area, which consists of 20,000 ft² of full term/outdoor cultivation and two light-dep greenhouses. Review of aerial photos from 1993 to present reveals that the site was initially constructed between 2012 and 2014 and expanded from 2015-2016. The cultivation site occupies a series of cut and fill terraces on a hillside with slopes ranging from 30-40%.

Other Mapped Features

As shown on the Site Plan/Plot Plan, there are improvements (structures, water tanks, etc.) and small graded areas where minor tree and vegetation clearing have occurred. However, the surrounding timber stand still meets the stocking standards of the Forest Practice Rules. These features do not impede the use of the land for current or future timber growth and harvesting; therefore, they do *not* constitute timberland conversion.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): *"No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."*

Cultivation Site 1: The entire conversion area/cultivation site, including the pond, is located within a Class II WLPZ. The eastern-most spring feeding the pond was likely hydrologically connected via surface water to the Class II watercourse located 50 feet northwest. The western-most spring feeding the pond appears to be shallow surface water intercepted during pond construction. The slope steepness for the springs and watercourses, which varies from 30-50%, would have required a 75-foot WLPZ. Humboldt County's Grading and Open Space Ordinance would have applied to this proposed conversion and would have required a 100-foot SMA.

Applying a 75-foot WLPZ for all Class II surface water would have overlapped the entire cultivation site and pond. This conversion would not have been permitted by Cal Fire unless *"specifically approved by local permit (e.g. County, City)"*.

Cultivation Site 2: The eastern portion of the conversion area/cultivation site is located within a Class III ELZ. The small area (~6,600 ft²) located on the east side of the Class III watercourse has been harvested to increase sunlight but no grading has occurred and no cultivation is located within the Class III ELZ. However, portions of the western Class III ELZ have been graded and converted, and cultivation is located within the buffer zone. As shown in the attached pictures, there is a high concentration of woody debris in the Class III watercourse channel resulting from timber operations. Per the Forest Practice Rules, ***"Woody debris means woody material four inches and greater in diameter and no less than two feet long left on the ground as the result of timber operations."***

The slope steepness for the Class III watercourse would have required a 50-foot ELZ. Timber harvesting is permitted within the Class III ELZ per the Forest Practice Rules. However, Humboldt County's Grading and Open Space Ordinance would have applied to this proposed conversion and therefore timber harvesting and grading would not have been permissible within the Class III ELZ without a Special Permit.

The woody debris located in the Class III watercourse channel is not in conformance with 14CCR 916.3, which states, *"The quality and beneficial uses of water shall not be unreasonably degraded by timber operations. During timber operations, the timber operator shall not place, discharge, or dispose of or deposit in such a manner as to permit to pass into the water of this state, any substances or materials, including, but not limited to, soil, silt, bark, slash, sawdust, or petroleum, in quantities deleterious to fish, wildlife, or the quality and beneficial uses of water."*

Slash and Woody Debris Treatment

14CCR 1104.1(a)(2)(O)(6): "Full slash and woody debris treatment may include any of the following: a. burying; b. chipping and spreading; c. piling and burning; or d. removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated."

A majority of the slash and woody debris have been treated at both cultivation sites. However, some areas still require treatment as shown in the attached pictures. The treated woody debris in the Class III watercourse channel (logs that have been bucked into firewood to lengths of 24 inches) shall be removed from the stream channel per 14CCR 916.3.

Biological Resources and Forest Stand Health

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"

A query of the California Natural Diversity Database (CNDDDB) on August 12, 2017 showed no observations of sensitive, rare, threatened, or endangered species or species of special concern within the 0.7-mile biological assessment area surrounding the cultivation sites and associated areas. No evidence of these special wildlife or plant species was observed during the TRC field assessment of the property.

The query of the CNDDDB NSO Database revealed no known Northern Spotted Owl (NSO) Activity Centers within the 0.7-mile biological assessment area surrounding the cultivation sites and associated areas.

The conversion areas did not include late successional stands, late seral stage forests, or old growth trees. The conversion area did not include any trees that existed before 1800 A.D and is greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species.

Cultural Resources

14 CCR 1104.1 (2)(1): "No timber operations are allowed on significant historical or archeological sites."

No archeological sites were observed during the TRC field assessment. Per 14 CCR 1104.2(2)(1), all required Native American tribes and organizations have been notified of the project location and are encouraged to respond with any information regarding archaeological sites, cultural sites, and/or tribal cultural resources within or adjacent to the project area.

Recommendations

In summary, a total of 1.46 acres of timberland conversion have occurred within the inspected cultivation sites and associated areas. Portions of this total acreage have been harvested but no grading and/or stump removal has occurred to date. This acreage is below the three-acre conversion exemption maximum. The conversion activities conducted on the property do *not* comply with the California Forest Practice Act and the California Forest Practice Rules. The RPF recommends the following measures for the converted areas:

1. Cultivation Site 1: The entire site, including the on-stream pond, is expected to be decommissioned per California Regional Water Quality Control Board Order No. 2015 and CDFW 1600 Agreement. Following decommissioning, the entire area shall be re-planted with Group A species (Douglas-fir and/or redwood) at no less than 435 trees per acre density (10-ft by 10-ft spacing). Treatment of woody debris and logs are not required. Downed woody debris provides habitat and shelter for wildlife, in-stream structure for pool habitat, controls surface erosion, and is a component of the nutrient cycling process.
2. Cultivation Site 2: Portions of the cultivation site located within the Class III watercourse buffer are expected to be decommissioned per California Regional Water Quality Control Board Order No. 2015 and CDFW 1600 Agreement. Following decommissioning, the Class III ELZ shall be re-planted with Group A species (Douglas-fir and/or redwood) at no less than 435 trees per acre density (10-ft by 10-ft spacing). The treated woody debris in the Class III watercourse channel (logs that have been bucked into firewood to lengths of 24 inches) shall be removed from below the watercourse transition line and placed upslope where it will not roll back into the stream channel.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures



Picture 1: On-stream pond located in Cultivation Site 1. Photo date 8-11-2017.

Pictures



Picture 2: Cultivation Site 1 with on-stream pond in foreground and cultivation occurring in the background. Photo date 8-11-2017.

Pictures



Picture 3: Cultivation Site 1. Spring and head of Class II watercourse located right of lone Douglas-fir tree. Photo date 8-11-2017.

Pictures



Picture 4: Cultivation Site 2 facing west. The line of trees in background is the property boundary. Photo date 8-11-2017.

Pictures



Picture 5: Class III watercourse located in foreground below burned Douglas-fir tree. The associated Class III buffer zone extends upslope into the cultivation area. Photo date 8-11-2017.

Pictures



Picture 6: Class III watercourse channel facing upstream or south. Note treated woody debris in channel zone, which needs to be removed. Photo date 8-11-2017.

Pictures



Picture 7: Class III watercourse channel facing downstream or north. Note treated woody debris in channel zone, which needs to be removed. Photo date 8-11-2017.

Pictures



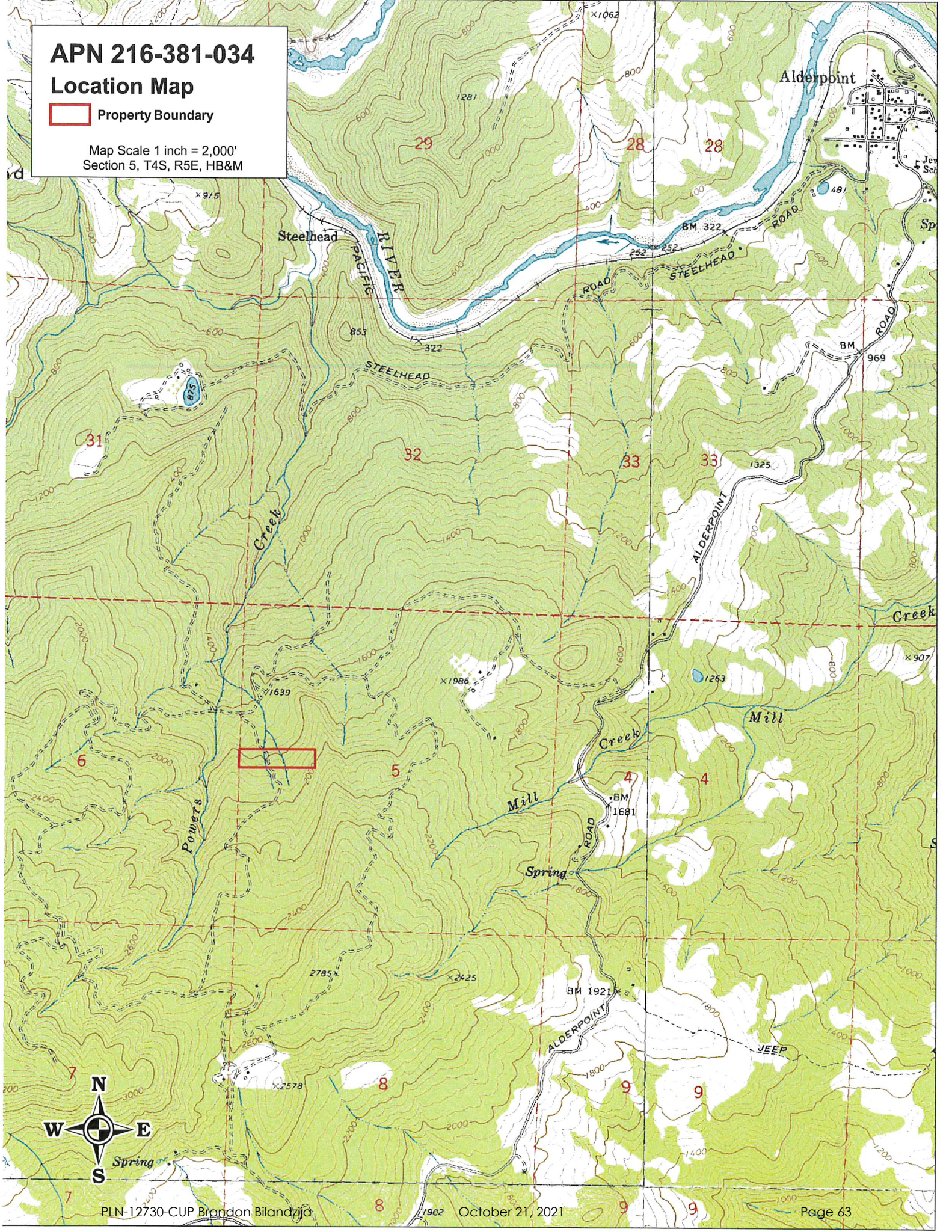
Picture 8: Cultivation Site 2 facing east. Photo date 8-11-2017.

APN 216-381-034

Location Map










 Property Boundary

Map Scale 1 inch = 2,000'
Section 5, T4S, R5E, HB&M

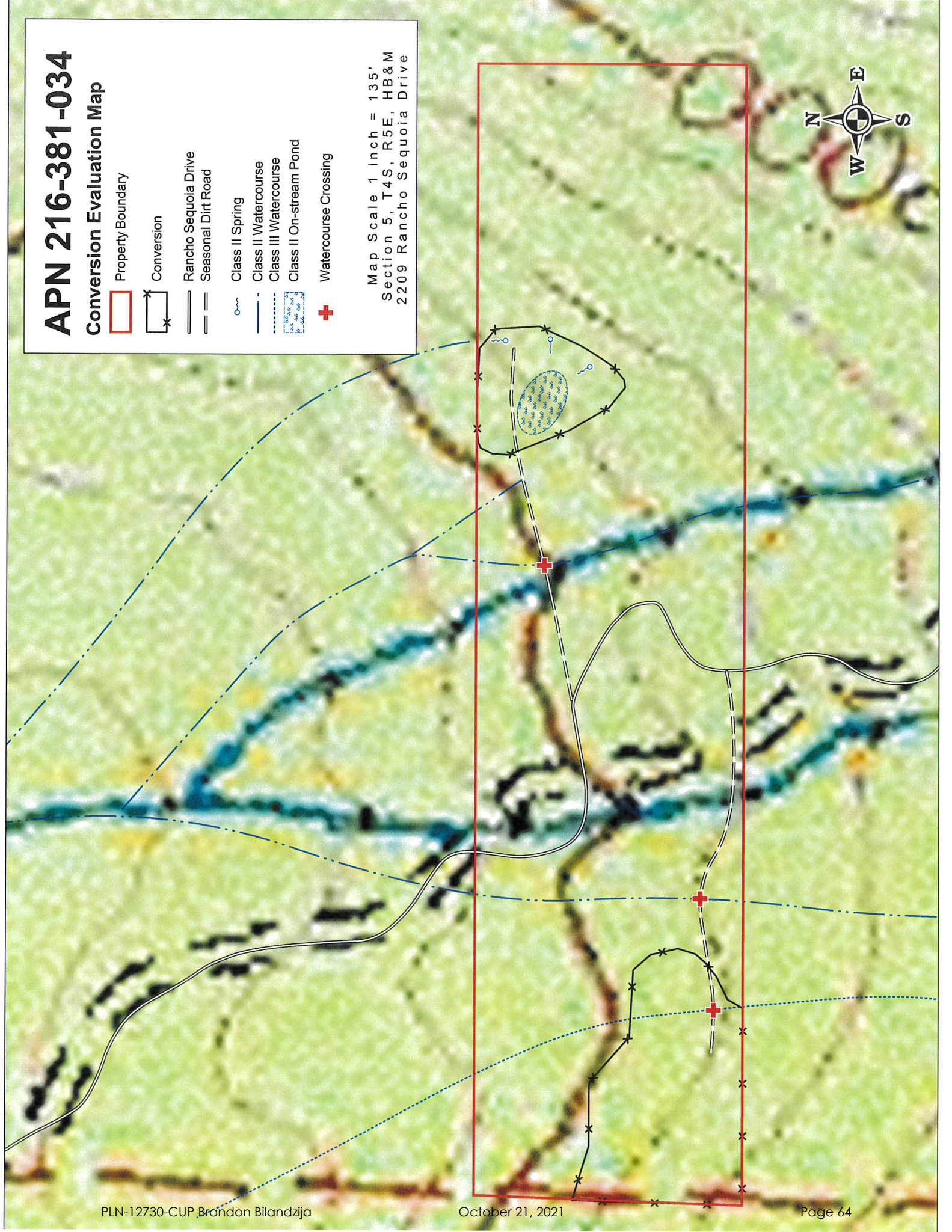


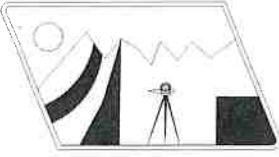
APN 216-381-034

Conversion Evaluation Map

-  Property Boundary
-  Conversion
-  Rancho Sequoia Drive
-  Seasonal Dirt Road
-  Class II Spring
-  Class II Watercourse
-  Class III Watercourse
-  Class II On-stream Pond
-  Watercourse Crossing

Map Scale 1 inch = 135'
Section 5, T4S, R5E, HB&M
2209 Rancho Sequoia Drive





A.M. BAIRD

ENGINEERING & SURVEYING, INC.

1257 Main Street • P.O. Box 396 • Fortuna, CA. 95540 • (707) 725-5182 • Fax (707) 725-5581



CONSULTING - LAND DEVELOPMENT - DESIGN - SURVEYING

GRADING & EROSION CONTROL **PLAN**

Graded Flat Design

PREPARED FOR

BRANDON BILANDZIJA

APN: 216-381-034
2209 RANCHO SEQUOIA DRIVE

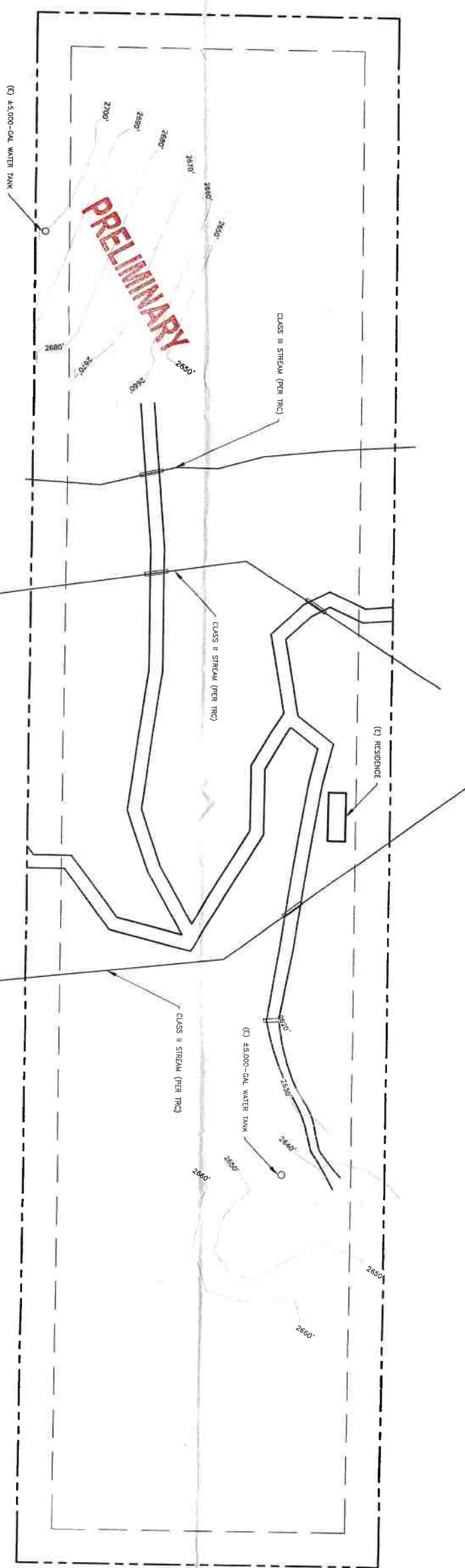
ALDERPOINT, HUMBOLDT COUNTY, CA

PREPARED BY:

ALLAN M. BAIRD, RCE 23681

November 26, 2018
Job# 18_4741

- NOTES**
1. PRIVATE WATER & POWER BY RIGHT.
 2. PRIVATE WATER & POWER BY RIGHT.
 3. UNKNOWN NUMBER OF TREES 12" DIA. OR GREATER HAVE NO KNOWN STREAM(S), SPRINGS, OR WETLAND(S) IN DEVELOPMENT AREA.
 4. GRADING OF THIS PROJECT IS 2.1:1:22" OF WHICH IS 2.0:1:22" OF STRIP AND 0.1:1:22" OF STRIP AND "ADDITIONAL" MATERIAL (ROCK) 24" DIA. OR CONTAIN AMOUNTS OF MATERIAL (ROCK) 24" DIA. OR GREATER TO THE STRUCTURAL INTEGRITY OF THE FILL.
 5. OWNERS &/OR CONTRACTOR ARE TO FOLLOW EROSION & SEDIMENTATION CONTROL MEASURES OUTLINED ON SHEET FIVE.
 6. CONTRACTOR SHALL MAINTAIN EXISTING VEGETATION & COVER W/ STRAW MULCH. KEEP MOST UNTIL VEGETATION HAS BECOME ESTABLISHED BEYOND 18" PLANT REBROODING.
 7. CONSTRUCTION PROCESS DETAILS ON SHEET FIVE.
 8. CUT/FILL SHALL HAVE SLOPES OF 1.5H:1V/2H:1V UNITS PER TEST.
 9. WATER AND RESOURCE CONSULTANTS.
 10. WATER AND RESOURCE CONSULTANTS.
 11. WATER AND RESOURCE CONSULTANTS.
 12. WATER AND RESOURCE CONSULTANTS.



SITE OVERVIEW SCALE: 1"=50'

DISCLAIMER
 MAPPING INFORMATION PROVIDED IS FOR GRADING DESIGN PURPOSES ONLY. THIS SITE PLAN REFLECTS MANY MAPPING DETAILS THAT ARE USUALLY TO ASSUME THAT THE SEPTIC SYSTEM IS LOCATED APPROPRIATE TO ITS SURROUNDINGS. HOWEVER, NONE OF THE INFORMATION SHOWN IS APPLIED TO SITES ON SUBSTITUTED FOR A CONTRACTED ACTUAL LAND SURVEY. A. M. BAIRD, ENGINEERING AND SURVEYING, INC. ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED OTHER THAN WHAT HAS BEEN SPECIFICALLY INTENDED FOR THE GRADING DESIGN.

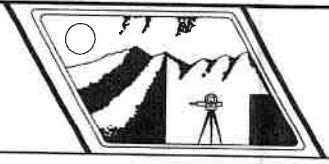
RECEIVED
 MAY 28 2018
 A.M. Baird
 Engineering & Surveying

LEGAL
 2209 RANCHO SEQUOIA DR
 ALDERPOINT, CA 95521
 4082000'S RANGE NUMBER
 THE 34-014
 OWNER: BRANDON P. BILANDZIJA
 CHALISE BILANDZIJA
 PHONE: (707) 225-0188
 STRUCK: BY CONTRACTOR
 LOT SIZE: 1853 SQFTS

- LEGEND**
- PROPERTY LINE
 - BUILDING OUTLINES
 - EDGE OF ROAD
 - GROUND CONTOURS
 - PROPERTY STRUCK
 - 30A AREA

NO.	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

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 (707) 725-5182



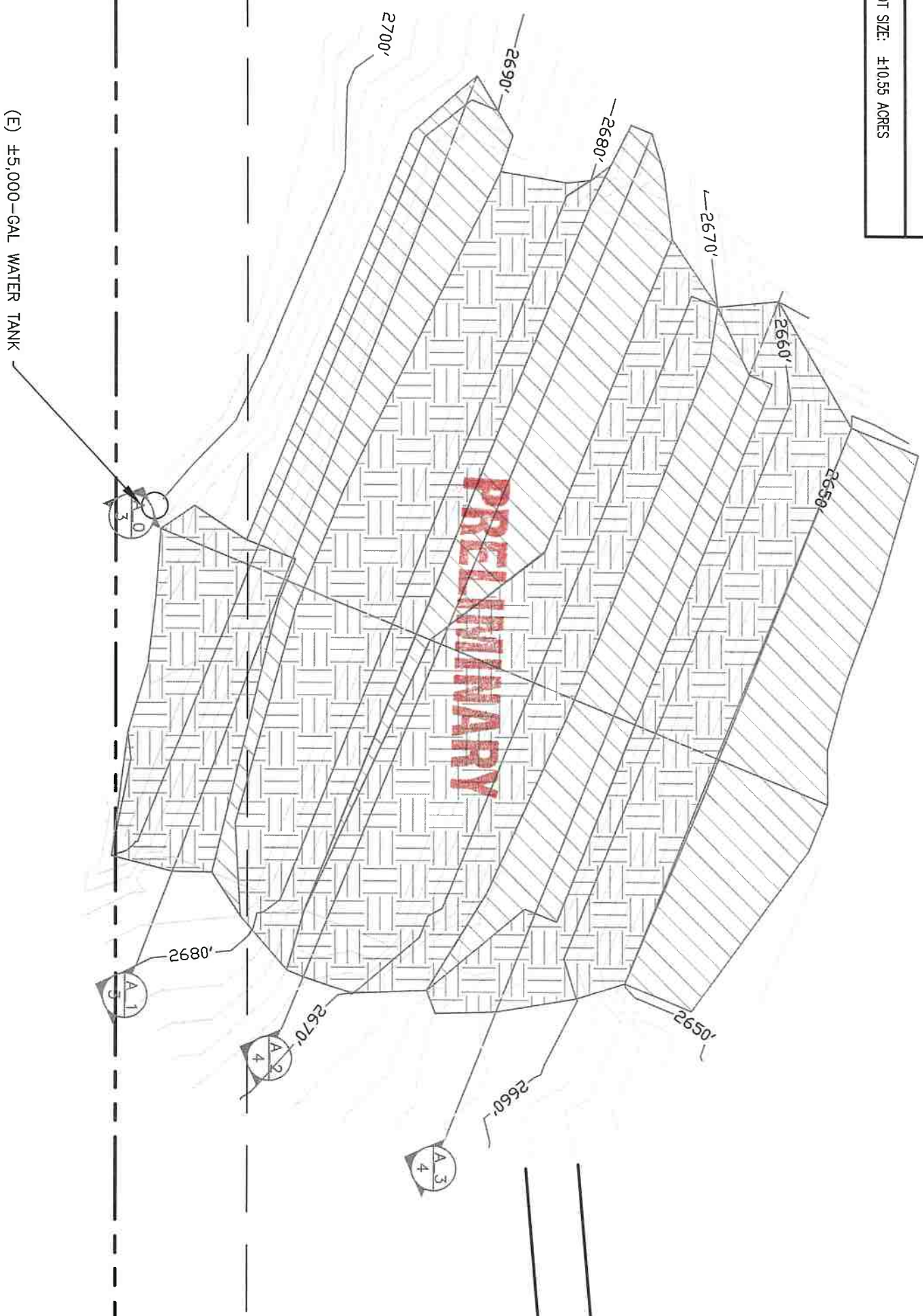
SCALE: AS SHOWN
 DRAWN BY: PFS
 CHKD: ANB
 DATE: 10/23/2018

BRANDON P. BILANDZIJA
 AP# 216-381-034
 2209 RANCHO SEQUOIA DR, ALDERPOINT CA
GRADING
SITE PLAN

JOB NO. 18-4741
 SHEET NO. 1 OF 7

LEGAL

ADDRESS: 2209 RANCHO SEQUOIA DR
ALDERPOINT, CA 95511
ASSESSOR'S PARCEL NUMBER: 216-381-034
OWNER: BRANDON P BILANDZIJA
7583 BENDOW DRIVE
GARRERVILLE, CA 95542
PHONE: (707) 223-0166
SETBACK: 30' PERIMETER
LOT SIZE: ±10.55 ACRES



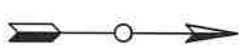
GRADING & EROSION CONTROL PLAN

- NOTES:**
1. PRIVATE WATER & POWER BY PG&E
 2. BUILDING SETBACK(S): 30' PERIMETER
 3. RANCHO SEQUOIA IS THE ONLY KNOWN EASEMENT
 4. UNKNOWN NUMBER OF TREES 12" DIAM. OR GREATER HAVE BEEN REMOVED
 5. NO KNOWN STREAM(S), SPRING(S), OR WETLAND(S) IN DEVELOPMENT AREA
 6. GRADING OF THIS PROJECT IS ±1,222-CY WHICH IS <5,000-CY AND SHALL BE DESIGNATED "REGULAR GRADING"
 7. ANY FILL MATERIAL SHALL NOT CONTAIN ANY IRREDUCIBLE MATERIAL (ROCK) >12" DIAM. OR CONTAIN AMOUNTS OF ORGANIC MATERIAL DETRIMENTAL TO THE STRUCTURAL INTEGRITY OF THE FILL
 8. OWNERS &/OR CONTRACTOR ARE TO FOLLOW EROSION & SEDIMENT CONTROL MEASURES OUTLINED ON SHEET FIVE
 9. RE-VEGETATE ALL DISTURBED AREAS W/ NATIVE GRASSES & COVER W/ STRAW MULCH. KEEP MOIST UNTIL VEGETATION HAS BECOME ESTABLISHED
 10. TEMPORARY SILT FENCE TO REMAIN IN PLACE THROUGHOUT CONSTRUCTION PROCESS. DETAILS ON SHEET FIVE
 11. CUT/FILL SHALL HAVE SLOPES OF 2H:1V UNITS OR LESS



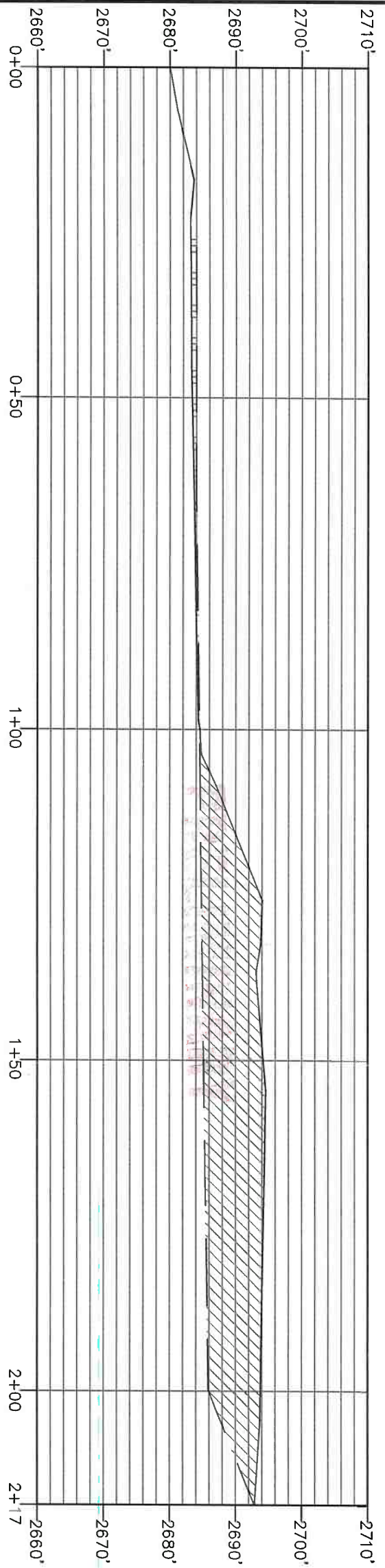
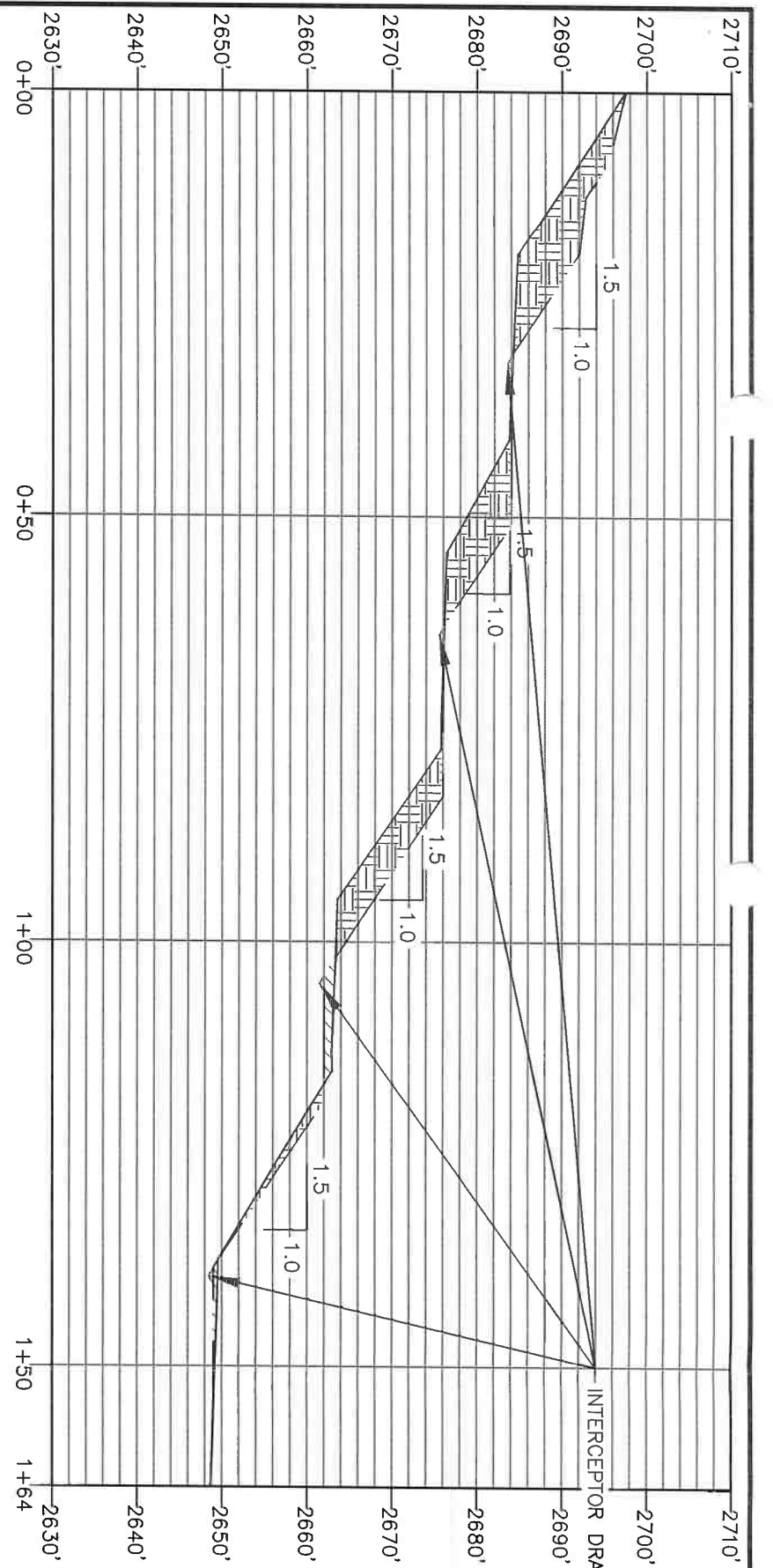
LEGEND

	PROPERTY LINE
	BUILDING OUTLINES
	EDGE OF ROAD
	GROUND CONTOURS
	PROPERTY SETBACK
	FIBER ROLL
	CUT AREA
	FILL AREA
	SMA AREA



SCALE: 1" = 30'

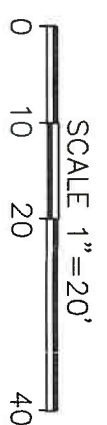
SHEET # 2 OF 7	JOB # 18-4741	BRANDON P BILANDZIJA AP# 216-381-034 2209 RANCHO SEQUOIA DR, ALDERPOINT CA	 A.M. Baird Engineering & Surveying, Inc. 1257 Main Street., P.O.Box 396, Fortuna, CA 95540, (707) 725-5182	NO. DATE DESCRIPTION REVISIONS
		GRADING GEC SITE PLAN		
SCALE: 1" = 30'		DRAWN BY: PDS CHKD: A.M.B. DATE: 10/23/2018		



INTERCEPTOR DRAINS AS PER PAGE SIX

A-0

X-X



LEGEND

	OLD GRADE
	PROPOSED GRADE
	CUT AREA
	FILL AREA
	SECTION NAME



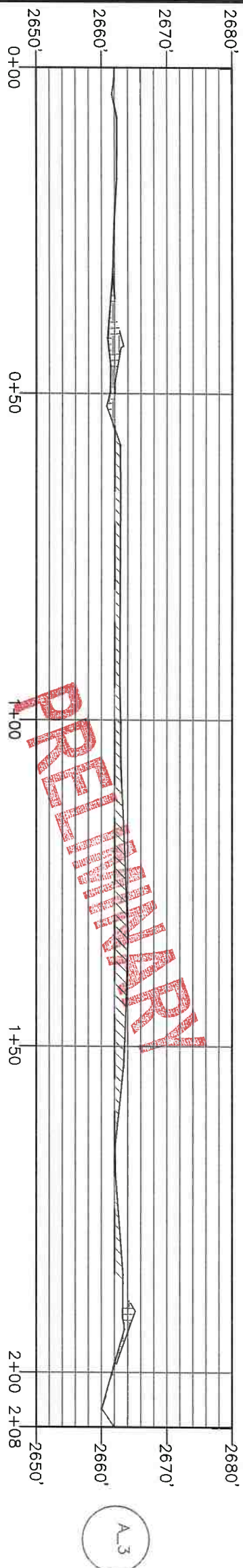
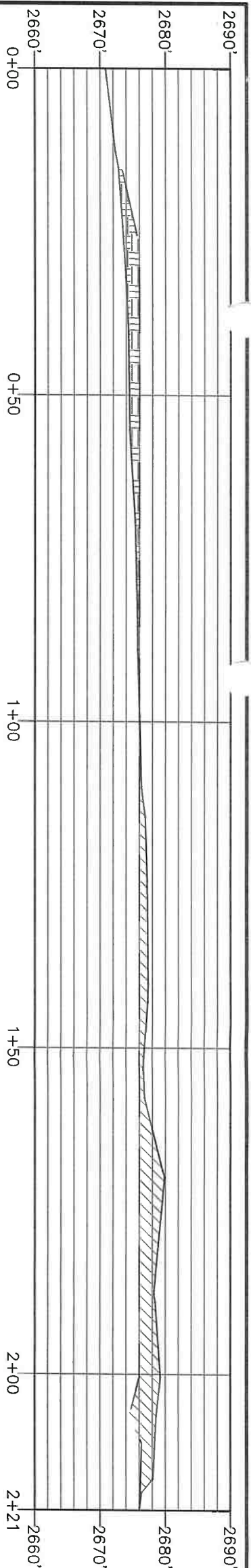
NO.	DATE	DESCRIPTION

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 1257 Main Street., P.O. Box 396,
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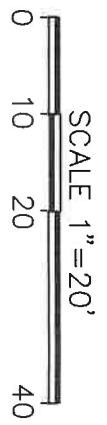
SCALE: 1" = 20'
 DRAWN BY: PDS
 CHKD: A.M.B.
 DATE: 10/24/2018

BRANDON P BILANDZIJA
 AP# 216-381-034
 2209 RANCHO SEQUOIA DR, ALDERPOINT CA
 GRADING
TYPICAL CROSS SECTION

JOB # 18-4741
 SHEET # 3 OF 7



- LEGEND
- OLD GRADE
 - PROPOSED GRADE
 - ▨ CUT AREA
 - ▨ FILL AREA



Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
TERRACE-VOL-CALC	1.000	1.000	34545.28 Sq. Ft.	1164.58 Cu. Yd.	1278.00 Cu. Yd.	113.42 Cu. Yd.<Fill>
Totals			34545.28 Sq. Ft.	1164.58 Cu. Yd.	1278.00 Cu. Yd.	113.42 Cu. Yd.<Fill>

NO.	DATE	DESCRIPTION
REVISIONS		

A.M. Baird
 Engineering & Surveying, Inc.
 1257 Main Street., P.O.Box 396,
 Fortuna, CA 95540, (707) 725-5182

SCALE: 1" = 20'
 DRAWN BY: PDS
 CHKD: A.M.B.
 DATE: 10/24/2018

BRANDON P BILANDZIJA
 AP# 216-381-034
 2209 RANCHO SEQUOIA DR, ALDERPOINT CA
 GRADING
TYPICAL CROSS SECTION

JOB # 18.4741
 SHEET 4 OF 7

Implementation

Fiber Roll Materials

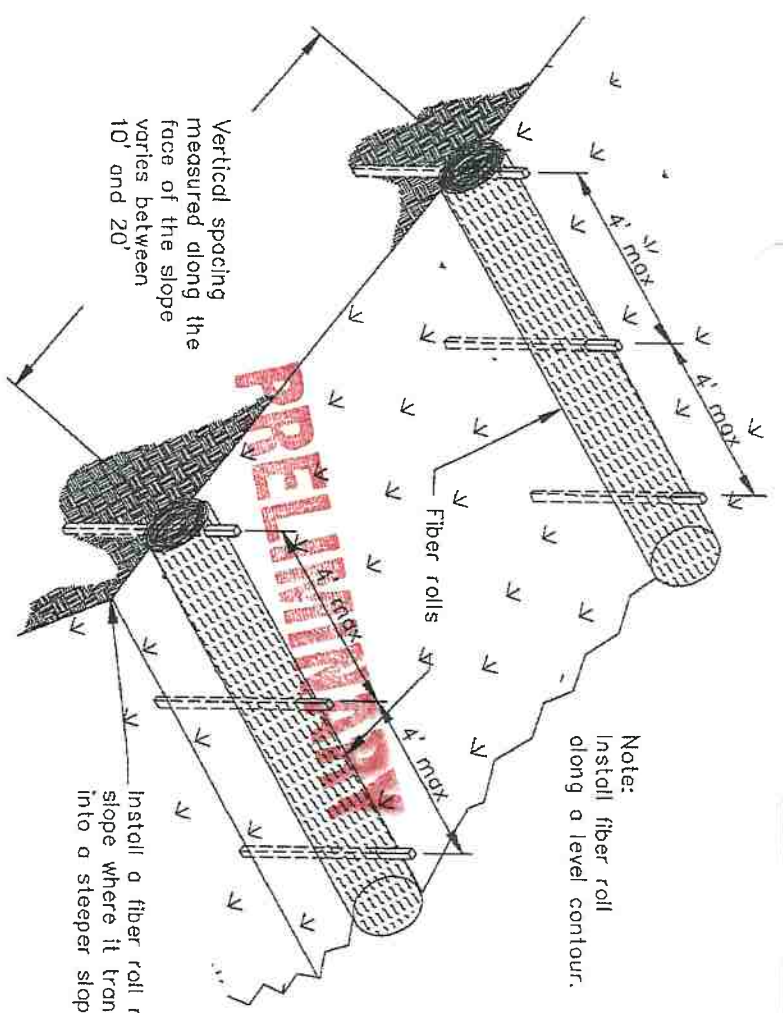
- Fiber rolls should be either prefabricated rolls or rolled tubes of erosion control blanket.

Assembly of Field Rolled Fiber Roll

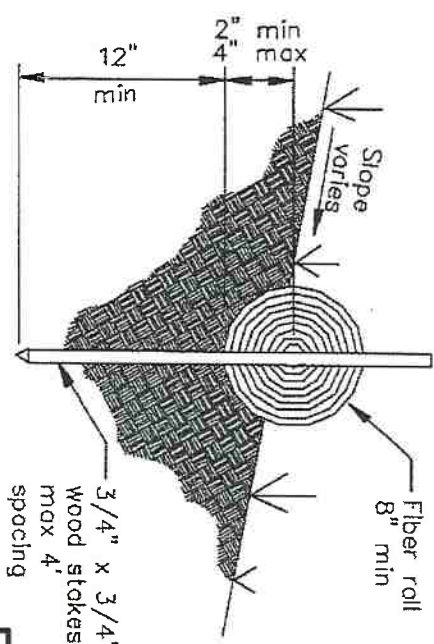
- Roll length of erosion control blanket into a tube of minimum 8 in. diameter.
- Bind roll at each end and every 4 ft along length of roll with jute-type twine.

Installation

- Locate fiber rolls on level contours spaced as follows:
 - Slope inclination of 4:1 (H:V) or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
 - Slope inclination between 4:1 and 2:1 (H:V): Fiber rolls should be placed at a maximum interval of 15 ft. (a closer spacing is more effective).
 - Slope inclination 2:1 (H:V) or greater: Fiber rolls should be placed at a maximum interval of 10 ft. (a closer spacing is more effective).
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into a 2 to 4 in. deep trench with a width equal to the diameter of the fiber roll.
- Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center.
- Use wood stakes with a nominal classification of 0.75 by 0.75 in. and minimum length of 24 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.

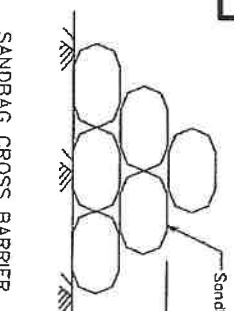


TYPICAL FIBER ROLL INSTALLATION
N.T.S.



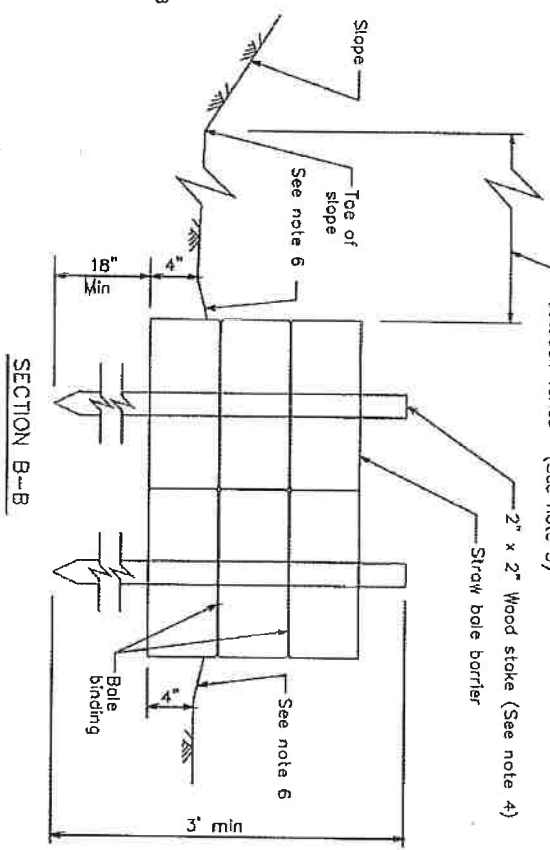
ENTRENCHMENT DETAIL
N.T.S.

SCALE: NTS



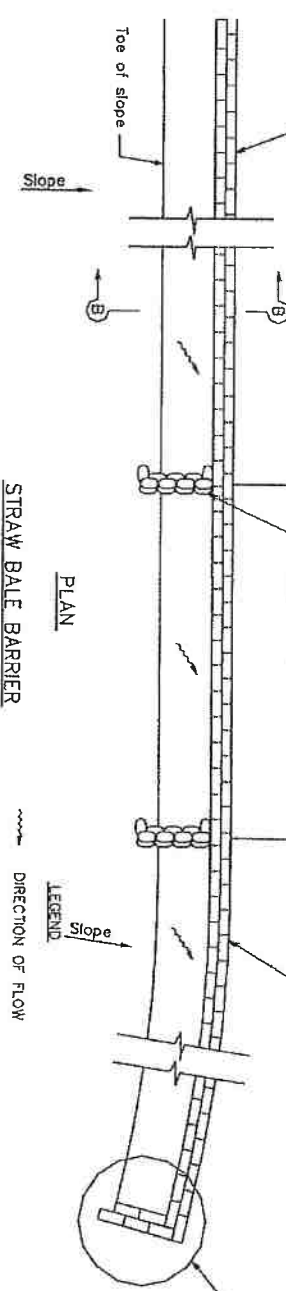
SANDBAG CROSS BARRIER

SCALE: NTS



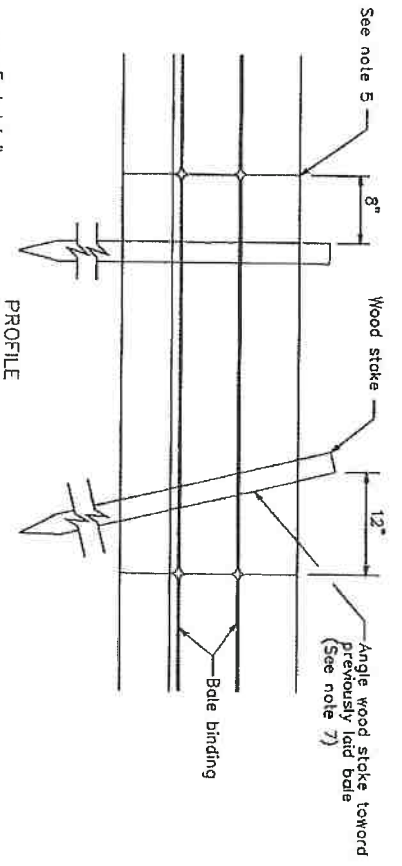
SECTION B-B

SCALE: NTS



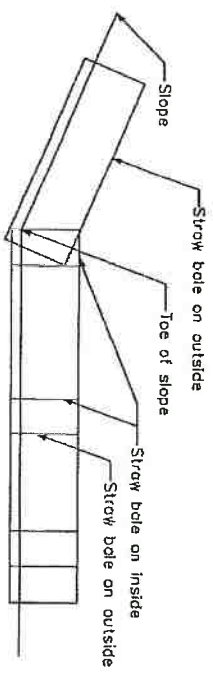
PLAN

SCALE: NTS



PROFILE

SCALE: NTS



END DETAIL

SCALE: NTS

STRAW BALE BARRIER DETAIL

RECEIVED
NOV 26 2018
Humboldt County
Carnegie Svcs

Implementation

General

A straw bale barrier consists of a row of straw bales placed on a level contour. When appropriately placed, a straw bale barrier intercepts and slows sheet flow runoff, causing temporary ponding. The temporary ponding provides quiescent conditions allowing sediment to settle. Straw bale barriers also interrupt the slope length and thereby reduce erosion by reducing the tendency of sheet flows to concentrate into rills, which erode rills, and ultimately gullies, into distributed, sloped soils.

Straw bale barriers have not been as effective as expected due to improper use. These barriers have been placed in streams and drainage ways where runoff volumes and velocities have caused the barriers to wash out. In addition, failure to stake and entrench the straw bale has allowed undercutting and end flow. Use of straw bale barriers in accordance with this BMP should produce acceptable results.

Design and Layout

- Locate straw bale barriers on a level contour.

- Slopes up to 10:1 (H:V): Straw bales should be placed at a maximum interval of 50 ft (a closer spacing is more effective), with the first row near the toe of slope.
- Slopes greater than 10:1 (H:V): Not recommended.

- Turn the ends of the straw bale barrier up slope to prevent runoff from going around the barrier.

- Allow sufficient space up slope from the barrier to allow ponding, and to provide room for sediment storage.

- For installation near the toe of the slope, consider moving the barrier away from the slope toe to facilitate cleaning. To prevent flow behind the barrier, sand bags can be placed perpendicular to the barrier to serve as cross barriers.

- Drainage area should not exceed 1 acre, or 0.25 acre per 100 ft of barrier.

- Maximum flow path to the barrier should be limited to 100 ft.

- Straw bale barriers should consist of two parallel rows.

- Butt ends of bales tightly

- Stagger butt joints between front and back row

- Each row of bales must be trenched in and firmly staked

- Straw bale barriers are limited in height to one bale laid on its side.

- Anchor bales with either two wood stakes or four bars driven through the bale and into the soil. Drive the first stake towards the butt joint with the adjacent bale to force the bales together.

- See attached figure for installation details.

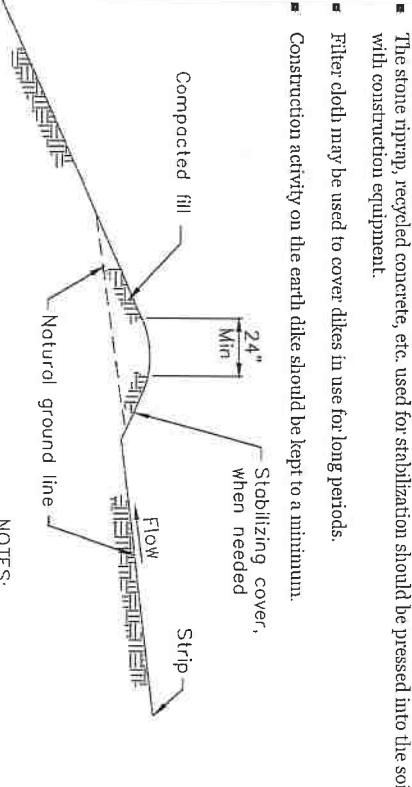
JOB # 18.4741	BRANDON P BILANDZIJA AP# 216-381-034 2209 RANCHO SEQUOIA DR, ALDERPOINT CA	SCALE: NTS DRAWN BY: PDS CHKD: A.M.B. DATE: 10/23/2018	 A.M. Baird Engineering & Surveying, Inc. 1257 Main Street., P.O.Box 396, Fortuna, CA 95540, (707) 725-5182	NO.	DATE	DESCRIPTION
	SHEET # 5 OF 7			REVISIONS		

Earth Dikes

Temporary earth dikes are a practical, inexpensive BMP used to divert stormwater runoff. Temporary diversion dikes should be installed in the following manner:

- All dikes should be compacted by earth moving equipment.
- All dikes should have positive drainage to an outlet.
- All dikes should have 2:1 or flatter side slopes, 18 in. minimum height, and a minimum top width of 24 in. Wide top widths and flat slopes are usually needed at crossings for construction traffic.
- The outlet from the earth dike must function with a minimum of erosion. Runoff should be conveyed to a sediment trapping device such as a Sediment Trap (SE-3) or Sediment Basin (SE-2) when either the dike channel or the drainage area above the dike are not adequately stabilized.
- Temporary stabilization may be achieved using seed and mulching for slopes less than 5% and either rip-rap or sod for slopes in excess of 5%. In either case, stabilization of the earth dike should be completed immediately after construction or prior to the first rain.
- If riprap is used to stabilize the channel formed along the toe of the dike, the following typical specifications apply:

Channel Grade	Riprap Stabilization
0.5-1.0%	4 in. Rock
1.1-2.0%	6 in. Rock
2.1-4.0%	8 in. Rock
4.1-5.0%	8 in. -12 in. Riprap



TYPICAL EARTH DIKE
NOT TO SCALE

Design and Layout

As with most channel design projects, depth of flow, roughness, gradient, side slopes, discharge rate, and velocity should be considered in the outlet design. Compliance to local and state regulations should also be considered while working in environmentally sensitive streambeds. General recommendations for rock size and length of outlet protection mat are shown in the rock outlet protection figure in this BMP and should be considered minimums. The apron length and rock size gradation are determined using a combination of the discharge pipe diameter and estimate discharge rate. Select the longest apron length and largest rock size suggested by the pipe size and discharge rate. Where flows are conveyed in open channels such as ditches and swales, use the estimated discharge rate for selecting the apron length and rock size. Flows should be same as the culvert or channel design flow but never the less than the peak 5 year flow for temporary structures planned for one rainy season, or the 10 year peak flow for temporary structures planned for two or three rainy seasons.

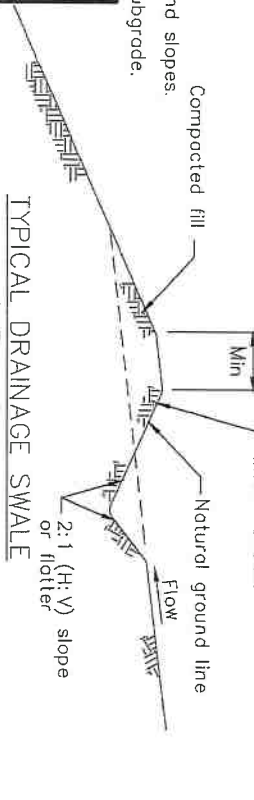
- There are many types of energy dissipaters, with rock being the one that is represented in the attached figure.
- Best results are obtained when sound, durable, and angular rock is used.
- Install riprap, grouted riprap, or concrete apron at selected outlet. Riprap aprons are best suited for temporary use during construction. Grouted or wired tied rock riprap can minimize maintenance requirements.
- Rock outlet protection is usually less expensive and easier to install than concrete aprons or energy dissipaters. It also serves to trap sediment and reduce flow velocities.
- Carefully place riprap to avoid damaging the filter fabric.
- Stone 4 in. to 6 in. may be carefully dumped onto filter fabric from a height not to exceed 12 in.
- Stone 8 in. to 12 in. must be hand placed onto filter fabric, or the filter fabric may be covered with 4 in. of gravel and the 8 in. to 12 in. rock may be dumped from a height not to exceed 16 in.

Drainage Swales

Drainage swales are only effective if they are properly installed. Swales are more effective than dikes because they tend to be more stable. The combination of a swale with a dike on the downhill side is the most cost effective diversion.

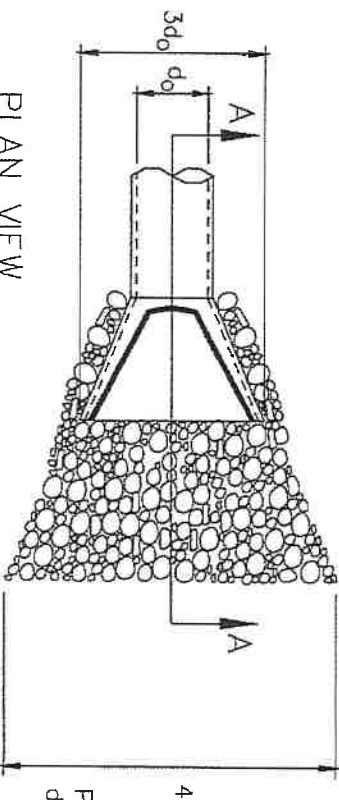
Standard engineering design criteria for small open channel and closed conveyance systems should be used (see the local drainage design manual). Unless local drainage design criteria state otherwise, drainage swales should be designed as follows:

- No more than 5 acres may drain to a temporary drainage swale.
- Place drainage swales above or below, not on, a cut or fill slope.
- Swale bottom width should be at least 2 ft
- Depth of the swale should be at least 18 in.
- Side slopes should be 2:1 or flatter.
- Drainage or swales should be laid at a grade of at least 1 percent, but not more than 15 percent.
- The swale must not be overtopped by the peak discharge from a 10-year storm, irrespective of the design criteria stated above.
- Remove all trees, stumps, obstructions, and other objectionable material from the swale when it is built.
- Compact any fill material along the path of the swale.
- Stabilize all swales immediately. Seed and mulch swales at a slope of less than 5 percent, and use rip-rap or sod for swales with a slope between 5 and 15 percent. For temporary swales, geotextiles and mats (EC-7) may provide immediate stabilization.
- Irrigation may be required to establish sufficient vegetation to prevent erosion.
- Do not operate construction vehicles across a swale unless a stabilized crossing is provided.
- Permanent drainage facilities must be designed by a professional engineer (see the local drainage design criteria for proper design).
- At a minimum, the drainage swale should conform to predevelopment drainage patterns and capacities.
- Construct the drainage swale with a positive grade to a stabilized outlet.
- Provide erosion protection or energy dissipation measures if the flow out of the drainage swale can reach an erosive velocity.



TYPICAL DRAINAGE SWALE
NOT TO SCALE

VELOCITY DISSIPATION DEVICES DETAIL



PLAN VIEW

Design and Layout

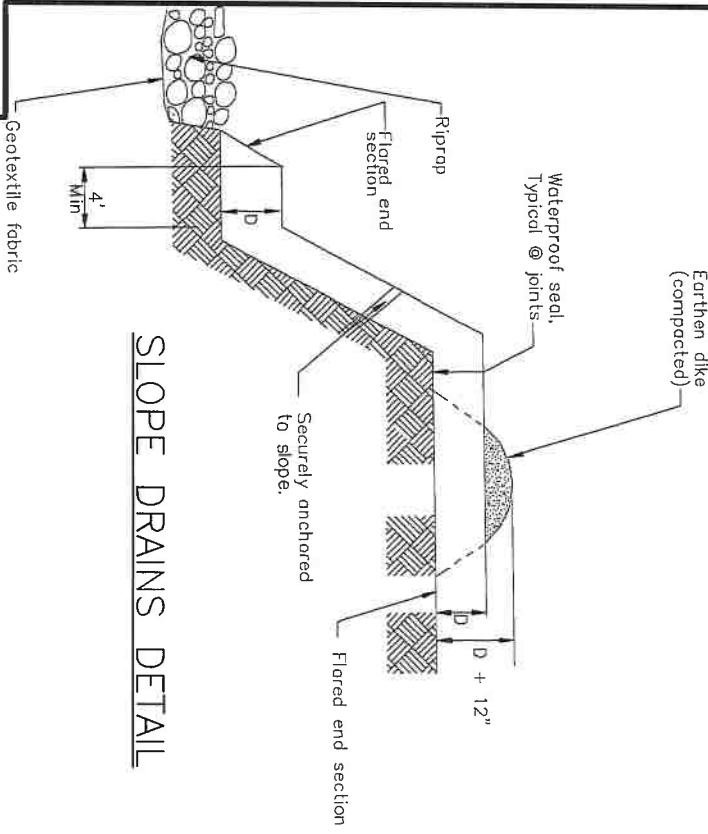
Turn the ends of the straw bale barrier up slope to prevent runoff from going around the barrier.

Allow sufficient space up slope from the barrier to allow ponding, and to provide room for sediment storage.

For installation near the toe of the slope, consider moving the barrier away from the slope toe to facilitate cleaning. To prevent flow behind the barrier, sand bags can be placed perpendicular to the barrier to serve as cross barriers.

Minimum Pipe Diameter (Inches)	Maximum Drainage Area (Acres)
12	1.0
18	3.0
24	5.0
30	7.0
	10.0

Larger drainage areas can be treated if the area can be subdivided into areas of 10 acres or less and each area is treated as a separate drainage. Drainage areas exceeding 10 acres must be designed by a Registered Civil Engineer and approved by the agency that issued the grading permit.



SLOPE DRAINS DETAIL

TYPICAL SLOPE DRAIN
NOT TO SCALE



PRELIMINARY

BRANDON P. BILANDZIJA
AP# 216-381-034
2209 RANCHO SEQUOIA DR. ALDERPOINT CA
GRADING
SEDIMENT CONTROL DETAILS

A.M. Baird
Engineering & Surveying, Inc.
1257 Main Street., P.O. Box 396,
Fortuna, CA 95540, (707) 725-5182

NO.	DATE	DESCRIPTION
REVISIONS		

JOB # 18.4741
SHEET # 6 OF 7

GRADING, EROSION, AND SEDIMENT CONTROL PLAN—IMPLEMENTATION MEASURES



GENERAL:

OWNER(S): BRANDON P BILANDZIJA
 ORGANIZERS: A.M. BAIRD ENGINEERING & SURVEYING, INC.
 PROJECT LOCATION: 2209 RANCHO SEQUOIA DR, ALDERPOINT CA
 ACTIVITY : EXTENSION OF FOUR FLATS
 ENGINEER'S DECLARATION:
 THIS EROSION & SEDIMENT CONTROL PLAN WAS PREPARED BY ME OR UNDER MY DIRECTION & IS BASED UPON THE CALTRANS CONSTRUCTION SITE BEST MANAGEMENT PRACTICES (BMP)'S MANUAL MARCH 2003.

PRELIMINARY

ALLAN M. BAIRD R.C.E. 23,681

DATED _____

1. GRADING & EROSION CONTROL MEASURES TO BE TAKEN AT TIME OF PERMIT, & TO CONTINUE THROUGHOUT CONSTRUCTION PROCESS.
2. OWNER(S) INTEND TO BEGIN CONSTRUCTION AS SOON AS PERMIT IS ISSUED.
3. IF CONSTRUCTION IS TO OCCUR BETWEEN OCTOBER 15 AND APRIL 15, SITE INSPECTIONS WILL BE CONDUCTED BY THE CONTRACTOR AND/OR OWNER(S): PRIOR TO A FORECASTED STORM, AFTER A RAIN EVENT, WEEKLY THROUGHOUT THE RAINY SEASON, AND EVERY TWO WEEKS THROUGHOUT CONSTRUCTION
4. SITE WILL BE MONITORED DAILY DURING WET WEATHER BY CONTRACTOR AND/OR OWNER(S). CONTRACTOR AND/OR OWNER(S) ARE RESPONSIBLE FOR REPORTING ANY HAZARDOUS SITUATIONS TO THE ENGINEER.
5. IN THE EVENT THAT ANY ASPECT OF THIS PLAN FAILS, THE OWNER(S) IS/ARE RESPONSIBLE FOR IMMEDIATELY CONTACTING THE ENGINEER FOR RECOMMENDATION(S) AND A PROFESSIONAL CONTRACTOR SHALL FOLLOW RECOMMENDATION(S)
6. IF A FOOTING REVIEW IS REQUIRED, SITE MUST BE EVALUATED BY AN ENGINEER, AND IF NECESSARY, ADDITIONAL EROSION CONTROL MEASURES WILL BE TAKEN.
7. UPON COMPLETION OF THE PERMITTED ROUGH GRADING WORK & AT THE FINAL COMPLETION OF THE WORK FOR "ENGINEERED GRADING", OR WHEN PROFESSIONAL INSPECTION IS PERFORMED FOR REGULAR GRADING; A FINAL REPORT SHALL B SUBMITTED BY THE ENGINEER, IF REQUIRED.
8. THE PERMIT APPLICANT/OWNER(S) SHALL NOTIFY THE BUILDING OFFICIAL WHEN THE GRADING OPERATION IS READY FOR FINAL INSPECTION, AS REQUIRED.
9. IF REQUIRED BY NOTE NINE (9.) ABOVE, A FINAL REPORT SHALL BE PREPARED BY THE ENGINEER AND SUBMITTED TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT BEFORE THE FINAL INSPECTION TO ENSURE THE SITE IS IN ACCORDANCE WITH THIS EROSION CONTROL PLAN & HUMBOLDT COUNTY CODE 331-17.

SEDIMENT CONTROL, SLOPE CONSTRUCTION, & PROTECTION OF WATER COURSES:

10. DIRECT RUNOFF FROM SPOUTS WILL DISCHARGE TO SPLASH BLOCKS & FLOW AWAY FROM THE FOUNDATION AND/OR FILL. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AWAY FROM STRUCTURE AS PER CURRENT BUILDING CODE.
11. ALL EXPOSED, DISTURBED GROUND SHALL BE TEMPORARILY COVERED W/ TWO INCHES OF STRAW MULCH IMMEDIATELY FOLLOWING GRADING.
12. CUT AND/OR FILL AREAS SHALL BE COVERED W/ NATIVE GRASSES, COVERED W/ STRAW MULCH, & KEPT MOIST UNTIL GRASSES ESTABLISH.
13. PLACE FOUR INCH BASE ROCK ON DRIVEWAY AREA FOR TEMPORARY ACCESS DURING CONSTRUCTION.
14. DRIVEWAY WILL BE PAVED TO PREVENT VEHICLE TRACKING OF MUD ONTO PUBLIC ROADWAYS.
15. FIBER ROLLS SHALL BE CONSTRUCTED ON CONTOURS DOWN SLOPE OF DISTURBED AREAS, DETAILS ON SHEET FIVE (5.).
16. FIBER ROLL LOCATION(S), OTHER EROSION, & SEDIMENT CONTROL MEASURES WERE SPECIFICALLY PLACED BASED ON TOPOGRAPHY OF ENCLOSED MAP. MINOR CHANGES TO THE PROPOSED DEVELOPMENT THAT WOULD CHANGE THE ASSUMED DIRECTION OF SURFACE FLOWS SHOULD APPROPRIATELY CHANGE THE LOCATION OF FIBER ROLLS STATED IN NOTE 15.

DISPOSAL OF EXCAVATED MATERIALS:

17. APPROXIMATELY 1,222-CY OF EXCAVATED MATERIAL (SOIL) UTILIZED ON SITE. NO SOIL TO BE REMOVED FROM SITE.
18. CUT/FILL SLOPES ARE NOT TO EXCEED 1.5H:1V/2H:1V UNITS, RESPECTIVELY; RUNOFF FROM ROOF/DRIVEWAY SHALL BE DIRECTED AWAY FORM CUT & FILL AREAS.
19. EROSION OF EXPOSED EXCAVATED MATERIALS WILL BE PREVENTED BY COMPACTING TO 90% BY TRACKING W/ HEAVY EQUIPMENT IN EIGHT INCH LIFTS, MULCHING, & RE-SEEDING IMMEDIATELY FOLLOWING PLACEMENT.

REMOVAL OF VEGETATION & RE-VEGETATION:

20. EXISTING VEGETATION SHALL BE PROTECTED BY ESTABLISHING THE CONSTRUCTION BOUNDARY PRIOR TO COMMENCEMENT OF SOIL-DISTURBING ACTIVITIES.
21. EXISTING VEGETATION TO BE DISTURBED BY GRADING ACTIVITIES SHALL BE REPLACE W/ NATIVE GRASSES.
22. ALL EXPOSED CUT&/OR FILL SLOPES SHOULD BE RE-VEGETATED TO MATCH EXISTING VEGETATION IN SURROUNDING AREA.
23. CUT &/OR FILL SLOPES ARE LESS THAN NATURALLY OCCURRING SLOPES THAT SUPPORT PERMANENT VEGETATION.
24. SITE WILL BE MONITORED ON A DAILY BASIS DURING PERIODS OF HEAVY RAIN OR WIND. RE-APPLICATION OF STRAW MULCH OR RE-SEEDING SHOULD BE COMPLETED AS NECESSARY.

NO.	DATE	DESCRIPTION
5		
4		
3		
2		
1		

A.M. Baird
 Engineering & Surveying, Inc.
 1257 Main Street., P.O.Box 396,
 Fortuna, CA 95540, (707) 725-5182

SCALE: N.T.S.
 DRAWN BY: PDS
 CHECKED: A.M.B.
 DATE: 10/23/2018

BRANDON P BILANDZIJA
 AP# 216-381-034
 2209 RANCHO SEQUOIA DR, ALDERPOINT CA
 GRADING
GRADING NOTES

JOB # 18_4741
 SHEET 7 OF 7



165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com



April 13, 2019

Cannabis Services Division
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

Dear Planner,

Re: APN 216-381-034
Application #12730

This letter is in response to Department Policy Statement No. 16-002, which states, "*If a workable alternative cultivation site exists on a parcel and its relocation will bring the cultivation into compliance with performance standards of the CMMLUO, this approach could meet the objectives of the CMMLUO provided it is the environmentally superior option.*"

As a Third-Party representative to the Water Board, Timberland Resource Consultants recommends relocating Cultivation Site 1 into the footprint of Cultivation Site 2, as shown on the attached map, for the following reasons detailed below;

Cannabis cultivation located within the Class II watercourse buffer zones at Cultivation Site 1 does not comply with Water Board Order No. 2015-0023, Standard Condition (I)(A)(3)(a), which states that

"While 200 foot buffers are preferred for Tier 2 sites, at minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands."

Cultivation Site 1 is directly adjacent to a spring-fed Class II watercourse and spring-fed on-stream pond, and the buffer zones for both water features are not adequate per Water Board Order No. 2015-0023, Standard Condition (I)(A)(3)(b)(c) &(d), which states:

Buffers shall be maintained at natural slope with native vegetation.

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

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

Beginning July 2019, the Cultivator will no longer be covered under Water Board Order No. 2015-0023 and will be subject to State-wide Order WQ 2017-0023-DWQ. The Cannabis Policy provides criteria to evaluate the threat to water quality based on site conditions. The threat is risk-based based upon:

- a. Disturbed area
- b. Slope of disturbed area
- c. Proximity to a surface water body

Cultivation Site 1 is located in a riparian buffer and is therefore characterized as a "High Risk" to water quality. Movement of Cultivation Site 1 to Cultivation Site 2 will allow the Cultivator to obtain "Tier 1 Status" (Dischargers cultivate cannabis commercially outdoors and have a disturbed area equal to or greater than 2,000 square feet and less than 1 acre\43,560 square feet) with a "Low Risk" designation with regards to State-wide Order WQ 2017-0023-DWQ. Sites that pose a higher threat to water quality (e.g., disturb a larger area, located on a steeper slope, or located close to a surface water body) require a greater level of regulatory oversight, which translates to higher costs to achieve water quality protection. Minimizing risk by moving the site not only results in environmental superiority, but also saves time, money and resources from preparing additional technical reports.

Restoration: The following measures are from the landowner's Water Resource Protection Plan (4-19-2018), CDFW LSA Agreement (1600-2018-0742-R1 HUM), and Conversion Evaluation (8-11-2017):

Class II On-Stream Pond and Map Point 3: It is a dirt ford crossing on a Class III watercourse. The road at the crossing is located adjacent to a spring fed on-stream pond. The pond is approximately 80-feet long by 50-feet wide by 18-feet deep. It was constructed between 2012 and 2014. The pond will be decommissioned along with the dirt ford crossing. Decommissioning will include the removal of the pond's embankment and reconnection with the downstream Class III watercourse. The pond's embankment shall be removed down to the pond's high-water mark, which is essentially the original grade of the Class III watercourse. The remaining "hole in the ground" may remain as a habitat feature. Following removal of the pond's embankment, the watercourse channel shall be re-established between the Class III watercourse and pond feature. The channel shall be approximately 3 feet wide by 3 feet deep with side slopes of 3:1 but no steeper than 2:1. Decommissioning of this site will be done in accordance with plans designed by an engineer.

Map Point 4: At this location, the construction of the cultivation site resulted in perched fill above a Class II watercourse. No fill has been deposited in the watercourse. Concurrent with the removal of this cultivation site; the perched fill (approximately 75 feet long by 6 feet wide) shall be pulled back to a slope steepness of 3:1 without disturbing the narrow band of trees and vegetation growing between the stream channel and cultivation site. The area requiring excavation is flagged in red. The entire graded area adjacent to the pond, including harvested hillslopes located above the pond shall be re-planted with Douglas-fir and/or redwood trees at no less than 435 trees per acre density (10-ft by 10-ft spacing). The stock-piled logs and stumps located northeast of the cultivation site shall not be removed. This woody debris is not intermixed with fill material nor capable of movement into the Class II watercourse. These logs & stumps meet the criteria as downed woody debris relative to their function and benefit to the stream buffer. Downed woody debris provides habitat and shelter for wildlife, provides in-stream structure for pool habitat, and controls surface erosion. Decommissioning of this site will be done in accordance with plans designed by an engineer.

Erosion Control Measures: Restoration at Cultivation Site 1 will require grading (recontouring to pre-existing topographic conditions) resulting in exposure of bare mineral soil that could lead to erosion. An approved Grading Permit shall be required, which shall include an Erosion Control Plan.

Re-stocking Plan: Restoration at Cultivation Site 1 will require re-planting with Group A species, (Douglas-fir and/or redwood) at no less than 435 trees per acre density (10-ft by 10-ft spacing). Treatment of woody debris and logs are not required. Downed woody debris provides habitat and shelter for wildlife, in-stream structure for pool habitat, controls surface erosion, and is a component of the nutrient cycling process.













Sincerely,



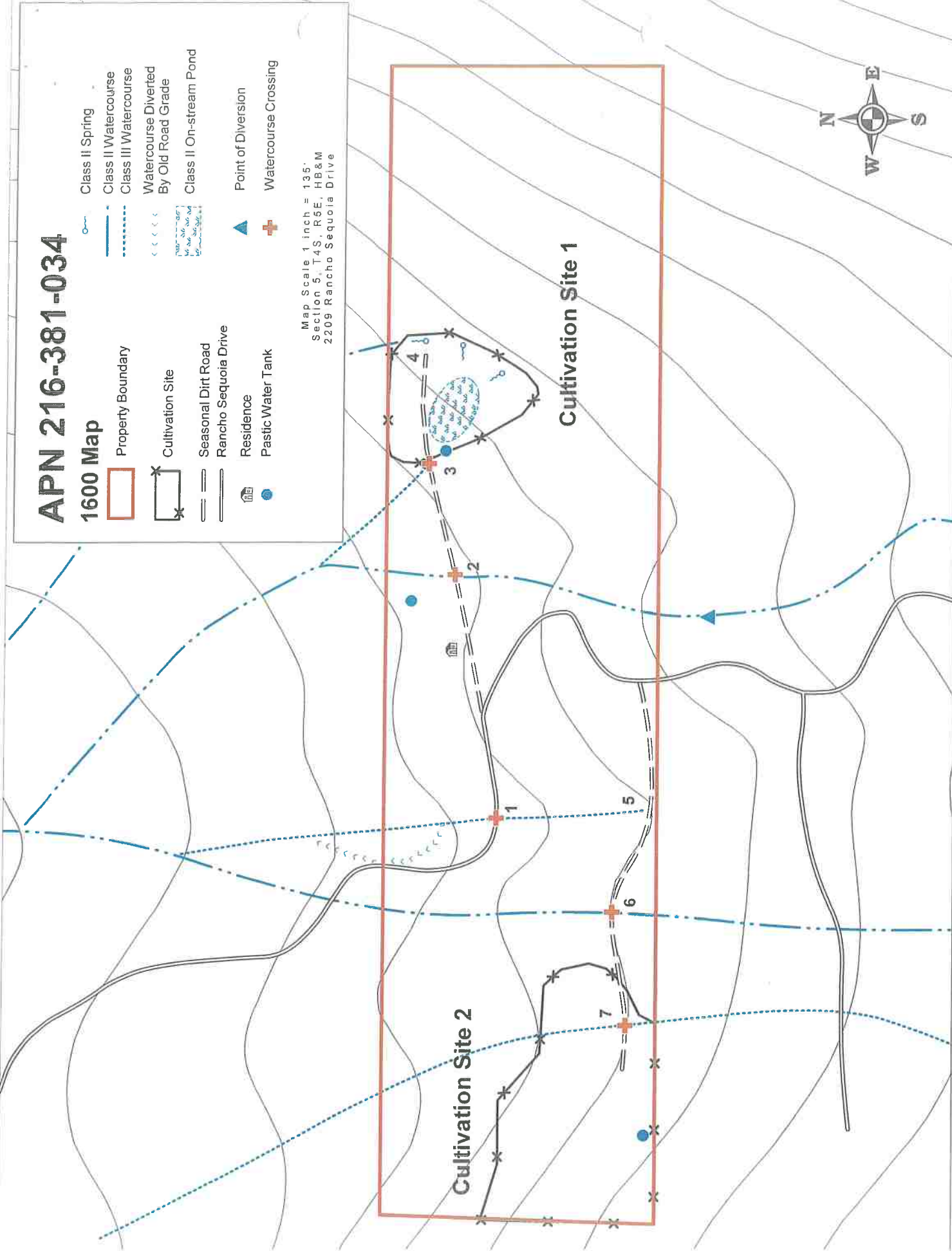
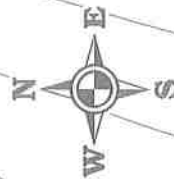
Chris Carroll, RPF #2628
Timberland Resource Consultants

APN 216-381-034

1600 Map

-  Property Boundary
-  Cultivation Site
-  Seasonal Dirt Road
-  Rancho Sequoia Drive
-  Residence
-  Pastic Water Tank
-  Class II Watercourse
-  Class III Watercourse
-  Watercourse Diverted By Old Road Grade
-  Class II On-stream Pond
-  Point of Diversion
-  Watercourse Crossing

Map Scale 1 inch = 135'.
 Section 5, T4S, R6E, HB&M
 2209 Rancho Sequoia Drive



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No response	
Division Environmental Health	✓	Conditional approval	On file
Public Works, Land Use Division	✓	Conditional approval	Attached
CAL FIRE	✓	No comments	Attached
Alderpoint Fire Protection District		No response	
California Department of Fish & Wildlife		No response	Attached – Planning staff request for comments
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Regional Water Quality Control Board	✓	Comments	Attached
Southern Humboldt JT Unified School District		No response	
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	



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: Keenan Hilton, Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer 
DATE: 06/20/2019

Applicant Name	BRANDON BILANDZIJA
APN	216-381-034
APPS#	PLN-12730-CUP

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:

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12730

COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

COUNTY ROADS- DRIVEWAY (PART 1):

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

COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

COUNTY ROADS- DRIVEWAY (PART 3):

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

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

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

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

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

COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

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:

From: [Meghan Ryan](#)
To: ["Van Hattem, Michael@Wildlife"](#)
Cc: ["Johnson, Cliff"](#); [Cameron R. Purchio](#)
Subject: APPS #12730, Brandon Bilandzija., APN: 216-381-034: PROJECTED HEARING DATE: OCTOBER 7, 2021
Date: Tuesday, September 21, 2021 1:42:00 PM
Attachments: [12730 Notification of Lake or Streambed Alteration 11.26.2018.pdf](#)

Good afternoon, Michael – I hope you’re doing well! I am writing to see if CDFW has comments for the Brandon Bilandzija project (APPS #12730; APN 216-381-034), located in the Alderpoint area. A Notification was submitted to CDFW (attached). Conditions of approval will require the applicant to obtain a Final agreement and adhere to all terms and requirements. The project description is as follows:

A Conditional Use Permit for an existing 13,350 square foot (SF) outdoor cannabis cultivation operation in four (4) light deprivation greenhouses which do not utilize any artificial lighting. No ancillary propagation occurs onsite. Irrigation water will be sourced from a proposed groundwater well. Existing available water storage will be 18,000 gallons in a series of hard-sided tanks. Estimated annual water usage is 195,517 gallons. Drying, bucking, and processing occurs onsite. Up to six persons may be utilized onsite during peak operations. Power for cultivation will be sourced from a proposed PG&E agricultural connection.

If CDFW has any questions or comments regarding this project, please let me know.

Thank you,
Megan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

This e-mail and its attachments are confidential. E-mail transmission cannot be assured to be secure or without error. LACO Associates therefore does not accept liability for any errors or omissions in the contents of this message. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail. Please notify the sender or postmaster@lacoassociates.us by e-mail if you have received this e-mail by mistake, and delete this e-mail from your system.

Project Review and Comment Cannabis SIUR Program

Project Name: Brandon Bilandzija

Date: 6/19/19

APN:
216-381-034-000

County:
Humboldt

Project#:
12730

Date Referral Received:
6/18/19

Reviewer:
Dyana McPherson

Date Referral Due:
6/25/19

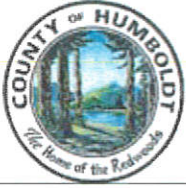
Documentation Required to Assess Project Compliance with the Water Code

<input checked="" type="checkbox"/>	Water Rights Documentation
<input type="checkbox"/>	Project designs/Maps/Diagrams inclusive of existing on-site roads, access roads and easements
<input type="checkbox"/>	Riparian/Stream/Wetland Avoidance Strategy
<input checked="" type="checkbox"/>	Proof of Enrollment in State Water Resources Control Board Cannabis Regulatory Program
<input type="checkbox"/>	Evidence of Consultation with Dept. of Fish and Wildlife
<input type="checkbox"/>	Water Resource Protection Plan
<input type="checkbox"/>	Cumulative Impact Assessment for Project Sub Watershed
<input type="checkbox"/>	Cleanup and Restoration Plan
<input type="checkbox"/>	Evidence of Consultation with Army Corps of Engineers
<input type="checkbox"/>	Low Impact Development Strategy
<input type="checkbox"/>	Waste Characterization/Disposal Strategy
<input type="checkbox"/>	Other, described as follows:

Permits and Mitigations Required for Project Compliance

<input checked="" type="checkbox"/>	Cannabis Regulatory Program Enrollment
-------------------------------------	--

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



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

6/10/2019

Project Referred To The Following Agencies:

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

Applicant Name Brandon Bilandzija **Key Parcel Number** 216-381-034-000

Application (APPS#) PLN-12730-CUP Historic Planning **Assigned Planner** Keenan Hilton

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: 6/25/2019

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:

SIUR required

DATE:

6.18.19

PRINT NAME:

Dyana L. McPherson