



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: December 2, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Otto Farms, LLC, Special Permits**
Record Number PLN-12768-SP
Assessor's Parcel Number (APN) 317-033-006
Shower's Mountain/Pilot Ridge Area

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

AGENDA ITEM TRANSMITTAL

Hearing Date December 2, 2021	Subject Special Permits	Contact Megan Acevedo
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Project Description: Otto Farms, LLC seeks a Special Permit for 7,620 square feet (sq. ft.) of pre-existing mixed-light cannabis cultivation with 800 sq. ft. of ancillary propagation. Irrigation water will be provided by a point of diversion from an unnamed creek under Water Right Certificate H100066, and the applicant is requesting a Special Permit to allow the continued use of the stream diversion. Estimated annual water needed for irrigation is 66,400 gallons, and a total of 54,600 gallons of existing water storage is designated for irrigation and one (1) 2,500-gallon water tank is designated for fire suppression needs. An additional 15,000 gallons of water storage is proposed within three (3) 5,000-gallon tanks, which will bring the total water storage for irrigation on-site to 69,600 gallons. Drying will occur on-site, and trimming will be done off-site at a licensed processing facility. There are an estimated 2-4 employees needed to operate the site. Electricity will be provided by a Honda EU2000i generator on-site.

Project Location: The project is located in Humboldt County, in the Shower's Mountain/Pilot Ridge area, on the North side of Stapp Road, approximately 5 miles East from the intersection of Coyote Flat Road and Stapp Road, and approximately .2 miles West from the intersection of Stapp Road and a Private Drive on the property known to be in Section 25 of Township 03 North, Range 04 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Timberland (T); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: High Instability (3)

Present Zoning: Timberland Production Zone (TPZ)

Record Number: PLN-12768-SP

Assessor's Parcel Number: 317-033-006

Applicant

Otto Farms, LLC
PO Box 223
Fortuna, CA 95540

Owner

Open Road Agency, LLC
PO Box 233
Fortuna, CA 95540

Agents

Omsberg & Preston
Kim Preston
402 E 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 Zoning Administrator Action

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

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

Executive Summary: Otto Farms, LLC seeks a Special Permit for 7,620 square feet (sq. ft.) of pre-existing mixed-light cannabis cultivation with 800 sq. ft. of ancillary propagation, and two (2) harvests are anticipated per year. Irrigation water will be provided by a point of diversion from an unnamed creek under Water Right Certificate H100066, and the applicant is requesting a Special Permit to allow the continued use of the stream diversion. Drying will occur on-site, and trimming will be done off-site at a licensed processing facility. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility, to be furnished during an annual inspection (**Ongoing Condition B.1**). There are an estimated 2-4 employees needed to operate the site. Electricity will be provided by a Honda EU2000i generator on-site.

The project was referred to the Department of Environmental Health (DEH) on January 12, 2021, and comments were received on January 15, 2021. Comments from DEH included the following recommendations of approval for the project: seasonal cultivation without processing may use portable toilets to serve the operation, the permittee shall provide portable toilets to cultivation areas meeting appropriate setbacks, or install a permitted septic system associated with a permitted structure (**Condition A.6**). The applicant shall also provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service until the applicant has obtained a permitted septic system on-site with DEH (**Ongoing Condition B.2**).

The project was referred to the Building Division on January 12, 2021, and a site inspection was conducted on April 27, 2021. Comments from the Building Division included a recommendation of approval based on the condition that all required permits are obtained, and to submit a revised Site Plan to show water tanks in place of bladders. A revised Site Plan has been submitted to include the addition of water tanks in place of the bladders. There are a total of two (2) mixed-light greenhouses, and the applicant plans to have a 20' x 40' greenhouse that will have a shared use for propagation space, drying and storage. There is one (1) Honda EU2000i generator that will be used for power source, and the applicant is required to have the generator located in a permanent location within secondary containment. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams (**Condition A.7**). The applicant shall submit an updated Site Plan within 30 days of approval to show the proposed location for the generator shed (**Condition A.8**). The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: two (2) mixed-light greenhouses, one (1) greenhouse for ancillary propagation and storage, and one (1) generator shed (**Condition A.9**). Grading occurred on the site in 2015 in association with the cultivation area. The applicant is conditioned to permit historic grading that occurred on-site with the Building Division (**Condition A.10**).

Water Resources

The project will source water from the stream diversion under Water Right Certificate H100066. Estimated annual water needed for irrigation is 66,400 gallons, and a total of 54,600 gallons of existing water storage is designated for irrigation and one (1) 2,500-gallon water tank is designated for fire suppression needs. An additional 15,000 gallons of water storage is proposed within three (3) 5,000-gallon tanks, which will bring the total water storage for irrigation on-site to 69,600 gallons. The Water Right Certificate H10066 incorrectly shows that the point of diversion is located on APN: 317-033-066, but should correctly show that the point of diversion exists on the adjacent parcel to the south APN: 317-183-009. The applicant shall contact the Division of Water Rights in order to correct the location for the point of diversion (**Condition A.11**), and is conditioned to comply with the limitations and conditions set forth in the Water Right Certificate H100066 (**Ongoing Condition B.3**). As well, the applicant shall record a prescriptive easement with the adjacent property to the south APN: 317-183-009, in order to allow the access of the point of diversion (**Condition A.12**).

The site was historically enrolled in the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023, under WDID: 1B170006CHUM. A Water Resource Protection Plan (WRPP) was prepared for the site by Natural Resource Management (NRM), dated May 27, 2017. The WRPP mentions that there is one Class I stream, the Mad River, and there are two (2) Class II streams that run through the property. A letter from NRM, dated October 5, 2020, states that staff investigated the locations, classifications and buffer areas for watercourses on-site and found that the historic Class II channel shown on the Humboldt County GIS layer appears to have been cut off by an old landslide along the southern property line and is estimated to have blocked the flow to the channel 30-50 years ago. It has been updated on the Site Plan that there is one (1) Class II stream that exists on the property. The applicant does have water tanks located within the 100-foot buffer for Class II streams required by the State Water Board, and the applicant is required to obtain a letter or similar documentation showing the approval from the Water Board allowing a setback reduction for the water tanks within the on-site Class II stream buffer. In the event that an allowance is not approved by the State Water Board, the applicant shall remove and relocate the water tanks and restore the area under a subsequent modification application (**Condition A.13**). The WRPP mentions the need for upgrading one (1) culvert on-site, a small segment of road on-site that is in decent condition, a water meter will be used to meter water used from the point of diversion, and that the site met many of the standard conditions of the Order No. R1-2015-0023. Standard conditions not met by the order included keeping a log of nutrient use on-site, the presence of solid waste on-site, and need for installing secondary containment for petroleum products storage.

The applicant has enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ, as a Tier 1 Low Risk site. A Notice of Applicability letter dated September 6, 2019, was submitted as proof of enrollment under WDID: 1_12CC417012. The applicant is required to have a Site Management Plan prepared for the site to assess any mitigation measure needed to comply with the SWRCB General Order, shall implement all corrective actions in the report, and shall submit a copy of the SMP to the Planning Division when available (**Condition A.14**).

There is one (1) known culvert on-site that needs replacing, and a point of diversion located on the adjacent parcel to the south APN: 317-183-009. The applicant has obtained a Streambed Alteration Agreement (SAA No. 1600-2017-0444-R1) with the California Department of Fish & Wildlife (CDFW) dated March 13, 2018. The applicant is conditioned to abide by the project description and work outlined within the SAA No. 1600-2017-0444-R1 (**Ongoing Condition B.4**).

Timber Conversion

The applicant has a Timber Conversion Report (TCR) that was prepared by NRP, dated March 13, 2020. The TCR states that there are two (2) areas where timber conversion occurred on-site, totaling 0.89 acres of timber conversion. Site A was converted in 2015 consisting of approximately 0.8 acres of timber conversion, and Site B was converted in 2017 consisting of 0.09 acres of timber that was converted to allow for additional water storage on-site. The project was referred to CalFire on January 12, 2021, and the replied stating that they had evaluated timber evaluation (TCR) and that they had no additional comments at that time. The applicant is required to address the 0.09 acres of post-2016 timber

conversion that occurred in 2017, and shall provide a Restocking Plan to restock the converted area on a 1-1-basis, prepared by a Registered Professional Forester (RPF). The submission of a document signed by the RPF stating that all restocking has been completed shall satisfy this condition (**Condition A.15**).

Biological Resources

The project is located approximately 0.7 miles to the nearest known Northern Spotted Owl (NSO) activity center. The project site is heavily forested, and does have the potential of containing NSO habitat. The main stem of the Mad River runs through the northern section of the property, and according to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the site contains habitat for the summer-run steelhead trout. The applicant has enrolled in the SWRCB's Order No. 2019-001-DWQ for waiver of waste discharge, and all cultivation areas are located outside of any streamside management areas on-site. There are several water tanks that will be removed and relocated outside of an SMA and restoration will occur. As the site is pre-existing, and there is no proposed new development that would require tree removal, the applicant was not required to provide a Biological Report for the site. Due to the potential of habitat for NSO present on-site the applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at any tree line when noise generating equipment are in use, and generators shall be enclosed in permanent generator shed locations (**Ongoing Conditions B.5 & B.6 and Condition A.7**).

Tribal Cultural Resource Coordination

The project is located in the Bear River Band Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), and the Bear River Band Tribe on January 12, 2021. The NWIC replied on January 28, 2021, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on April 6, 2021 requesting a Cultural Resource Survey (CRS) for the project. The applicant has obtained a CRS for the project site, which was prepared by William Rich, M.A., RPA with William Rich and Associates, dated October 2021. The CRS found no presence of archaeological or historic-period cultural resources on-site. The applicant shall adhere to Inadvertent Discover Protocols, as requested by the Bear River Band THPO on October 27, 2021, and 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 (**Informational Note 3**).

Access

Access to the site is from a driveway off of Stapp Road, via Showers Pass Road which is a County maintained roadway. The applicant has submitted a Road Evaluation Report form for Stapp Road and Showers Pass Road, which indicates both roads as not being developed to the equivalent of a road category 4 standard. The traffic study form was filled out for the project which states that the Showers Pass Road and Stapp Road can accommodate the cumulative increased traffic from this project and all known cannabis projects, if the recommendations on the attached report are done. The Road Evaluation Report was prepared by Omsberg & Preston, and has been submitted to the Department of Public Works for review. Comments from the Department of Public Works recommends conditions of approval for the project. The recommended conditions include (**Condition A.16**):

- All recommendations from engineer on both access roads to be completed.
- Whether specifically addressed or not within the road evaluation report, Per Section 1273.03 of the State Fire Safe Regulations, California Code of Regulations (CCR), Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 – Fire Protection, Subchapter 2 SRA Fire Safe Regulations, with have been established pursuant to California Public Resource Code Section 4290 et seq. (a) at no point shall the grade for all roads and driveways exceed 16 percent; (b) the grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect. Mitigation measures other than paving require an exception to be approved per Section 1270.06.

- 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.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 54 cultivation permits and the total approved acres would be 21.15 acres of cultivation.

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

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

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21 -
Record Number PLN-12768-SP
Assessor's Parcel Number: 317-033-006**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving Otto Farms, LLC Special Permit.

WHEREAS, Otto Farms, LLC, submitted an application and evidence in support of approving a Special Permit for the operation of an existing 7,620 square feet of mixed-light cannabis cultivation operation with appurtenant propagation and drying activities; and a Special Permit for the continued use of a stream diversion; and

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on December 2, 2021, and reviewed, considered, and discussed the application for the Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit for 7,620 square feet (sq. ft.) of pre-existing mixed-light cannabis cultivation with 800 sq. ft. of ancillary propagation. Irrigation water will be provided by a point of diversion from an unnamed creek under Water Right Certificate H100066, and the applicant is requesting a Special Permit to allow the continued use of the stream diversion. Estimated annual water needed for irrigation is 66,400 gallons, and a total of 54,600 gallons of existing water storage is designated for irrigation and one (1) 2,500-gallon water tank is designated for fire suppression needs. An additional 15,000 gallons of water storage is proposed within three (3) 5,000-gallon tanks, which will bring the total water storage for irrigation on-site to 69,600 gallons. Drying will occur on-site, and trimming will be done off-site at a licensed processing facility. There are an estimated 2-4 employees needed to operate the site. Electricity will be provided by a Honda EU2000i generator.

EVIDENCE: a) Project File: PLN-12768-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator 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) Water Right Certificate H100066, allowing the right to divert and use water for irrigation from a stream diversion.
- d) A Notice of Applicability letter for proof of enrollment in the State Water Resources Control Board's General Order WQ 2019-0001-DWQ as a Tier 1 Low Risk site, under WDID: 1_12CC417012.
- e) A Water Resource Protection Plan prepared by Natural Resources Management Corp. dated May 27, 2017, to outline measures required to comply with standard conditions of Order No. R1-2015-0023.
- f) A letter from Natural Resources Management Corp. dated October 5, 2021, to updated watercourse information for the subject parcel.
- g) A Timber Conversion Report was prepared by Natural Resources Management Corp., which states that approximately 0.09 acres of timber conversion occurred on-site in 2017. The applicant is conditioned to have a Restocking Plan prepared by a Registered Professional Forester, to address restocking the post-2016 timber conversion area on a 1-1-basis.
- h) A Streambed Alteration Agreement (No. 1600-2017-0444-R1) with CDFW dated March 13, 2018, for the instream work needed to utilize a point of diversion and upgrade one culvert on-site.
- i) The project is within the Bear River Band tribes' ancestral aboriginal territories. The project was referred to the Bear River Band THPO, and a Cultural Resources Investigation was prepared by William Rich and Associates dated October 2021.
- j) A Road Evaluation Report prepared by Omsberg & Preston dated July 15, 2019, for Showers Pass Road and Stapp Road. A traffic study form was filled out for the project which states that the Showers Pass Road and Stapp Road can accommodate the cumulative increased traffic from this project and all known cannabis projects, if the recommendations on the attached report are done.

FINDINGS FOR SPECIAL PERMITS

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) Humboldt County Code section 314-55.8.2.2 allows for cultivation of up to 10,000 sq. ft. of outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in TPZ

zones with a Special Permit.

- c) The applicant is applying for a Special Permit to allow the continued use of a stream diversion for agricultural purposes on adjacent parcel APN: 317-183-009. The applicant has obtained a water right for the use of the Spring diversion under Water Right Certificate H100066.

4. FINDING

The proposed development is consistent with the purposes of the existing u zone in which the site is located.

EVIDENCE

- a) The Timberland Production Zone or TPZ Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the TPZ zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows for cultivation of up to 10,000 sq. ft. of outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in TPZ zones with a Special Permit. The application for 7,620 sq. ft. of mixed-light cannabis cultivation on a 43.5 acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
- b) The parcel has been deemed to be a legal parcel. The subject parcel was created by Patent recorded April 26, 1913.
- c) The project will obtain water from a permitted diversionary water source for pre-existing cannabis cultivation.
- d) A Road Evaluation Report prepared by Omsberg & Preston dated July 15, 2019, for Showers Pass Road and Stapp Road. A traffic study form was filled out for the project which states that Showers Pass Road and Stapp Road can accommodate the cumulative increased traffic from this project and all known cannabis projects, if the recommendations on the attached Road Evaluation Report are done.
- e) A Timber Conversion Report was prepared by Natural Resources Management Corp., which states that approximately 0.09 acres of timber conversion occurred on-site in 2017. The applicant is conditioned to have a Restocking Plan prepared by a Registered Professional Forester, to address restocking the post-2016 timber conversion area on a 1-1-basis.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 7,620 sq. ft. of mixed-light cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is in a rural part of the County where the typical parcel size is over

40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.

- b) Irrigation water for pre-existing cannabis cultivation will come from a permitted water diversion under Water Right Certificate H100066.
- c) A Road Evaluation Report (RER) prepared by Omsberg & Preston dated July 15, 2019, for Showers Pass Road and Stapp Road. A traffic study form was filled out for Showers Pass Road and Stapp Road, stating that the road can accommodate the cumulative increased traffic from this project and all known cannabis projects, if the recommendations on the attached report are done. The project is conditioned to adhere to the work outlined in the RER.
- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

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

8. FINDING

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

- a) The project is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 54 permits and the total approved acres would be 21.15 acres of cultivation.

DECISION

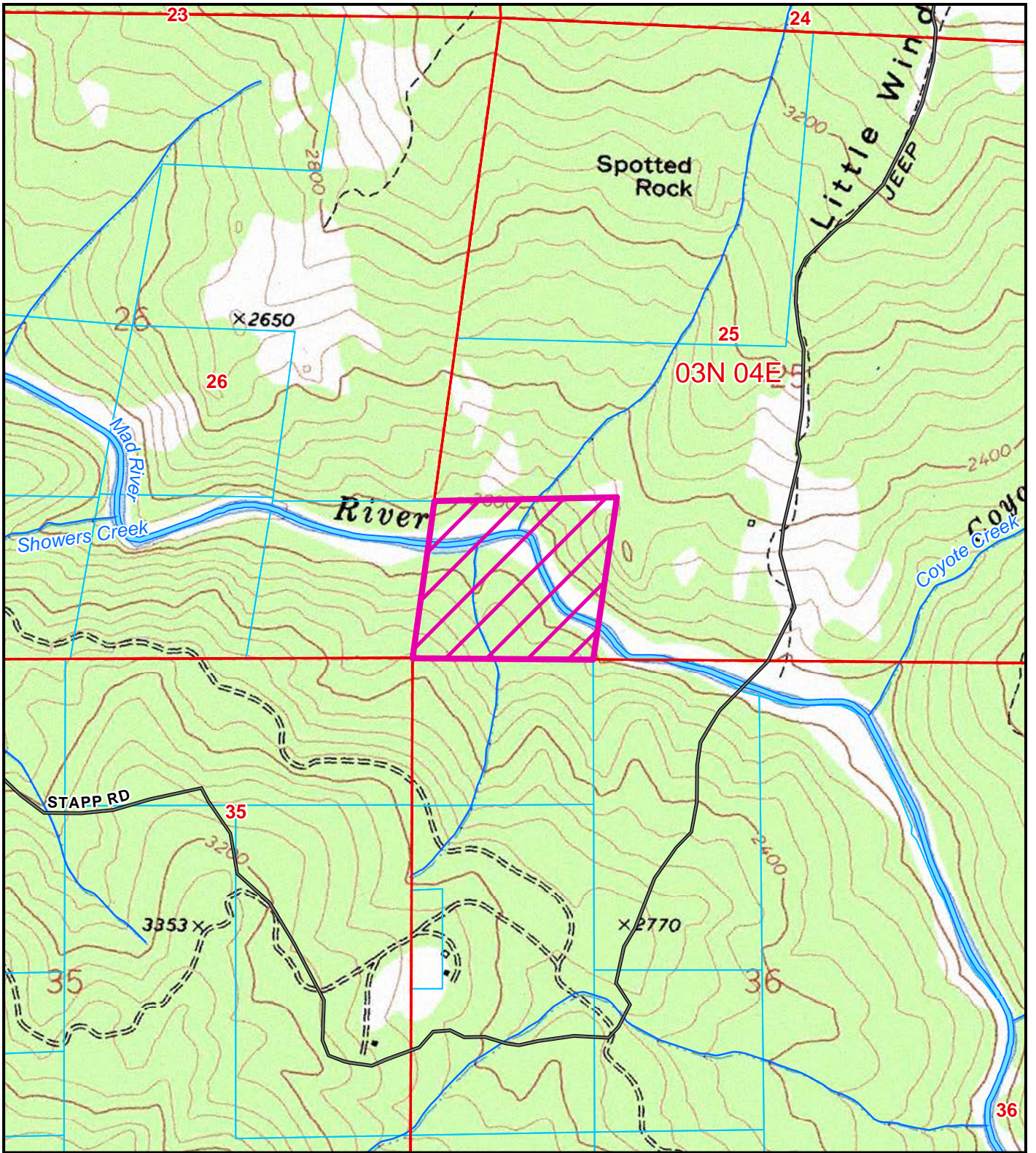
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

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

Adopted after review and consideration of all the evidence on December 2, 2021.

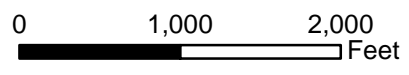
I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John H. Ford, Zoning Administrator,
Planning and Building Department

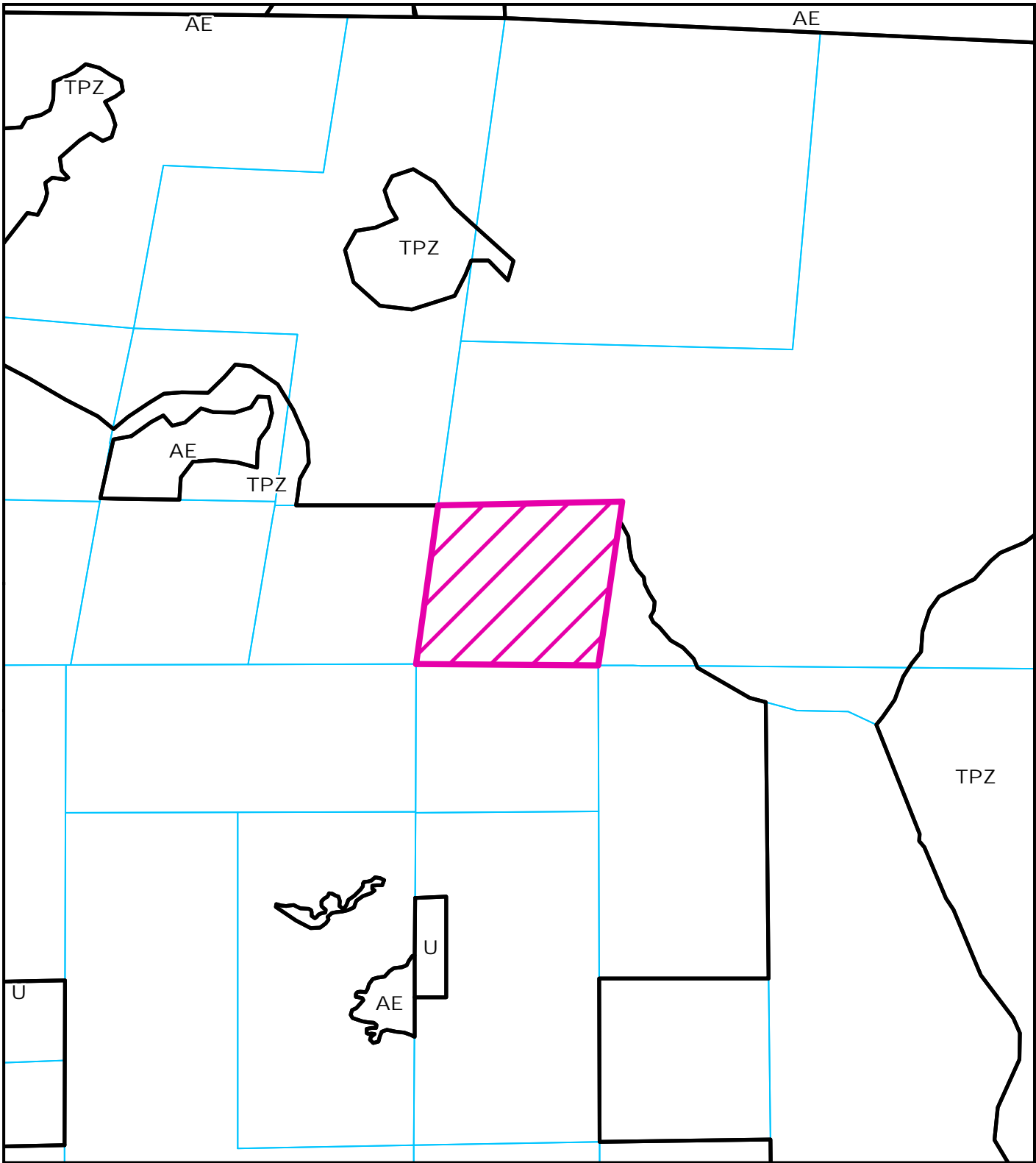


TOPO MAP
PROPOSED OTTO FARMS LLC
KORBEL AREA
SP-16-639
APN: 317-033-006-000
T03N R04E S25 HB&M (SHOWERS MTN)

Project Area =

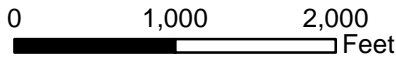


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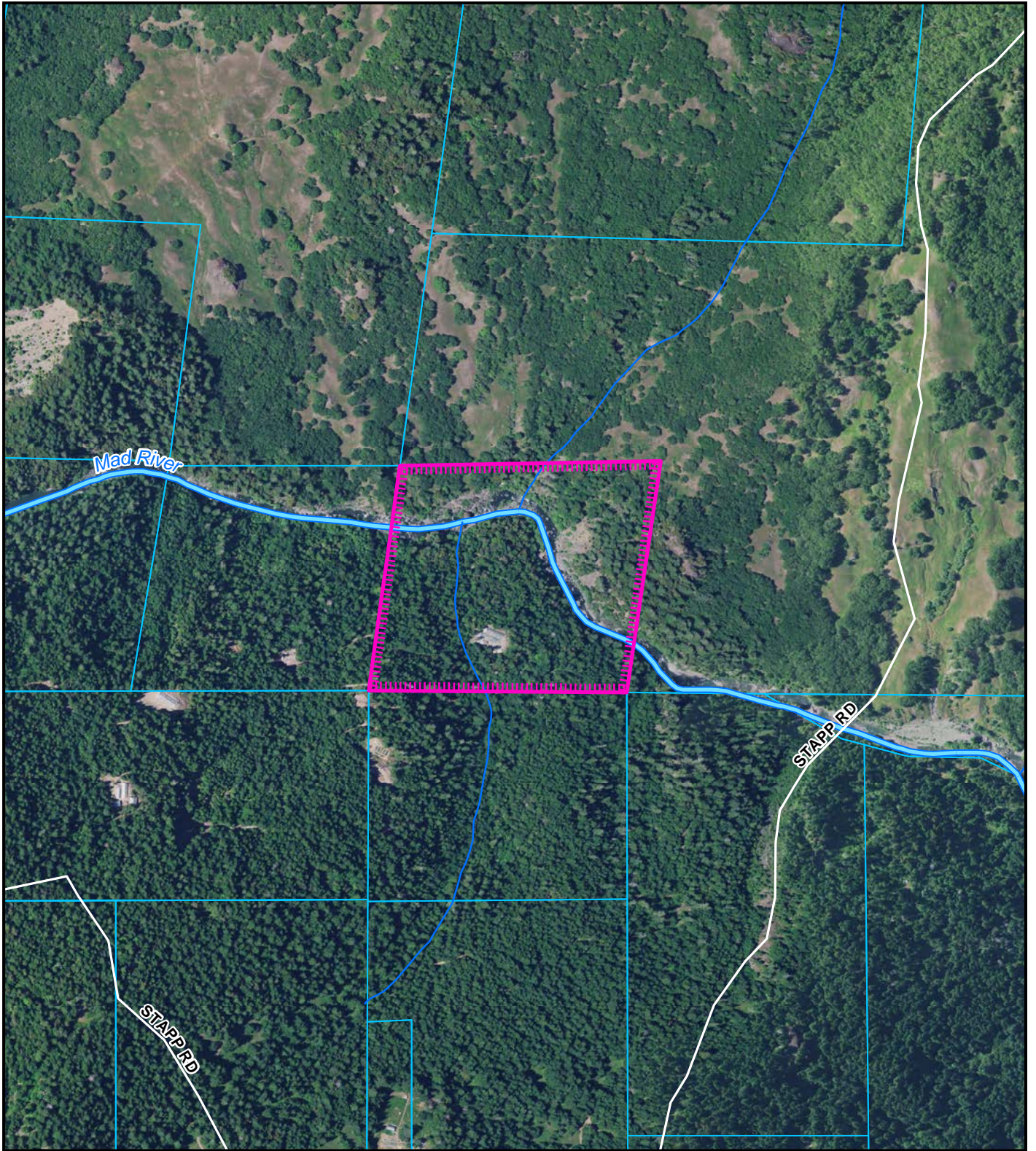


ZONING MAP
PROPOSED OTTO FARMS LLC
KORBEL AREA
SP-16-639
APN: 317-033-006-000
T03N R04E S25 HB&M (SHOWERS MTN)

Project Area = 



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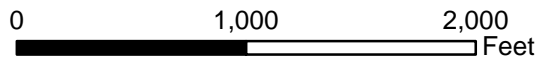


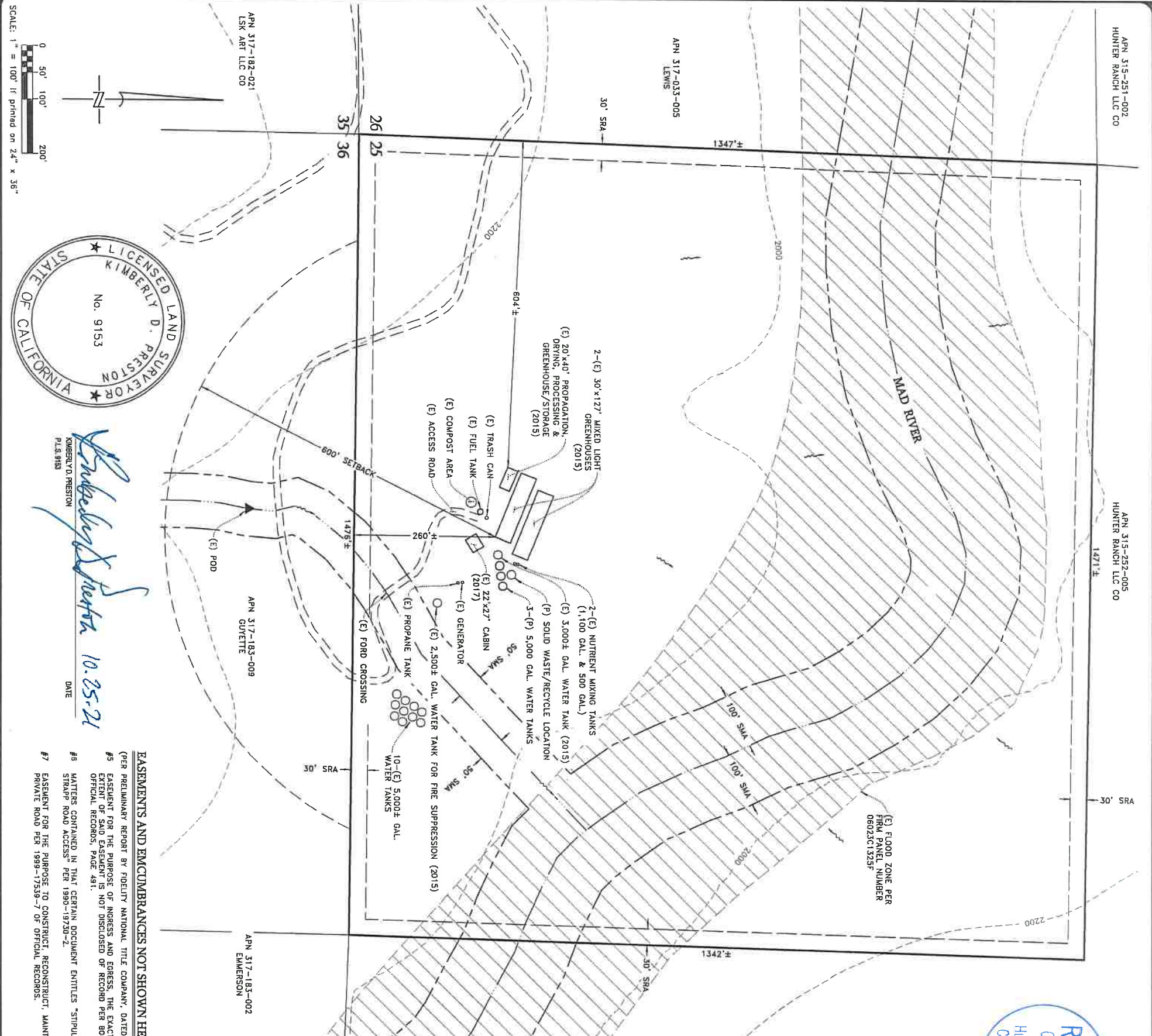
Project Area = 

AERIAL MAP
PROPOSED OTTO FARMS LLC
KORBEL AREA
SP-16-639
APN: 317-033-006-000
T03N R04E S25 HB&M (SHOWERS MTN)



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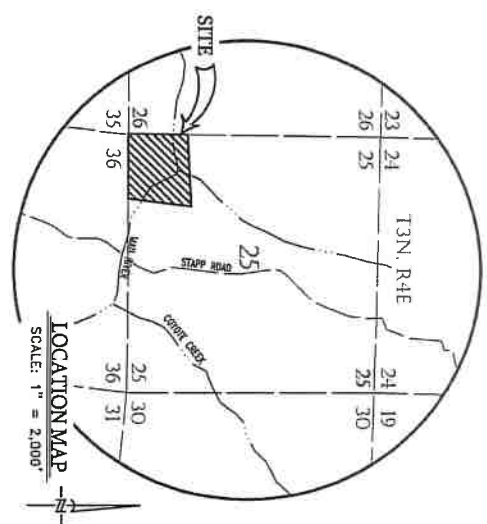


UTILITIES

WATER & SEWER	ON-SITE
GAS	ON-SITE (PROPANE)
POWER	GENERATOR
TELEPHONE	CELLULAR SERVICE

LEGEND

SYMBOL	INDICATES
	PARKING SPACE
	DIRECTION OF SURFACE WATER RUNOFF
	PROPOSED
	EXISTING
	TYPICAL
	S.F. SQUARE FEET
	YEAR CONSTRUCTED/INSTALLED
	STREAMSIDE MANAGEMENT AREA SETBACK
	2000 CONTOUR AT 200-FOOT INTERVALS
	STREAM
	DIRT ROAD
	100 YEAR FLOOD ZONE AREA
	POINT OF DIVERSION (POD)



NOTES

1. THE PARCEL IS LOCATED IN THE BRIDGEVILLE AREA OF HUMBOLDT COUNTY. ACCESS TO THE SITE IS VIA STAPP ROAD (COUNTY ROAD NO. 79010) FROM THE STATE HIGHWAY 36.
2. THIS PLOT PLAN, FOR APN 317-033-006, HAS BEEN PREPARED FOR THE PURPOSE OF APPLYING FOR A PERMIT UNDER HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMUO) NO. 2559, FOR ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD'S ORDER NO. R1-2015-0023, AND FOR MAKING APPLICATION FOR SEPTIC AND GRADING PERMITS.
3. THE PARCEL HAS A GENERAL PLAN DESIGNATION OF TIMBERLAND (T) PER THE FRAMEWORK PLAN, AND IS ZONED TIMBERLAND PRODUCTION ZONE (TPZ).
4. THIS PLAN MAY BE BASED ON RECORD INFORMATION ONLY, AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS AND DISTANCES SHOWN HEREON MAY HAVE BEEN COMPILED FROM RECORD DATA ONLY, SUCH AS ASSessor'S MAPS, DEEDS, ETC., AND SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
5. THE PROPERTY IS CURRENTLY DEVELOPED WITH THREE (3) GREENHOUSES (ONE BEING FOR PROPAGATION) & ONE (1) CABIN.
6. THE SITE'S EXISTING AND PROPOSED IMPROVEMENTS, COMMERCIAL AGRICULTURAL OPERATIONS/ACTIVITIES, SETBACKS AND EASEMENTS/ENCUMBRANCES AFFECTING THE PROPERTY ARE AS SHOWN OR DENOTED HEREON.
7. THERE IS ONE (1) PERMANENT EMPLOYEE & ONE (1) SEASONAL EMPLOYEE ASSOCIATED WITH THIS OPERATION.
8. CONTOURS SHOWN HEREON ARE AT 200-FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
9. THE APPROXIMATE LOCATION OF MAD RIVER AND THE UNNAMED CREEK, TOGETHER WITH THEIR "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREAS (SMAs), ARE AS SHOWN HEREON. NO OTHER WET AREAS OR SENSITIVE HABITAT ARE KNOWN TO EXIST ON THE SITE.
10. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP OR PUBLIC PARKS ARE LOCATED WITHIN SIX HUNDRED FEET (600') OF THE CULTIVATION SITES.
11. WATER FOR THE CULTIVATION ACTIVITIES IS FROM AN CREEK. WATER STORAGE REQUIRED FOR THE SITE'S AGRICULTURAL OPERATIONS WILL BE EXPANDED OVER THE NEXT YEAR TO PROVIDE FOR IRRIGATION THROUGHOUT THE FOREGARDEN PERIOD. ALL EXISTING/PLANNED STORAGE WILL BE IN HARD TANKS AND BLADDERS. ALL WATER SOURCES ARE WILL BE PROPERLY PERMITTED.
12. AN R-2 SOILS REPORT WILL BE PREPARED BY WHITTECHURCH ENGINEERING, INC., AND A GRADING PERMIT APPLIED FOR (BY OMSBERG & PRESTON) IN CONJUNCTION WITH THIS PROJECT.
13. A SEWAGE DISPOSAL REPORT WILL BE PREPARED BY OMSBERG & PRESTON.
14. A CULTURAL RESOURCES INVESTIGATION HAS BEEN PREPARED BY WILLIAMS RICH & ASSOCIATES, DATED OCTOBER 2021.
15. THIS PROJECT IS IN A STATE RESPONSIBILITY AREA (SRA), AND SRA FIRE SAFE STANDARDS SHALL BE ADHERED TO.
16. PER FIRM PANEL NO. 0802501325F, THE PROJECT IS IN A 100-YEAR FLOOD ZONE, AS SHOWN HEREON.
17. THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.
18. NO PERMANENT PROPANE TANK EXISTS ON THE PROPERTY.

OWNER
 OPEN ROAD AGENCY, LLC
 c/o ALEKSANDAR ALEKSANDROV
 P. O. BOX 223
 FORTUNA, CA 95540
 (707) 672-9484

APPLICANT
 OTTO FARMS, LLC
 c/o ALEKSANDAR ALEKSANDROV
 P. O. BOX 223
 FORTUNA, CA 95540
 (707) 672-9484
 APPS #12768
 APN 317-033-006



Kimberly D. Preston
 KIMBERLY D. PRESTON
 LICENSED LAND SURVEYOR
 STATE OF CALIFORNIA
 No. 9153
 DATE: 10-25-21
 FILE #18

EASEMENTS AND ENCUMBRANCES NOT SHOWN HEREON
 (PER PRELIMINARY REPORT BY FIDELITY NATIONAL TITLE COMPANY, DATED MARCH 20, 2015)
 #5 EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS, THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD PER BOOK 1009 OF OFFICIAL RECORDS, PAGE 491.
 #6 MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED "STIPULATED JUDGMENT RE: STRAPP ROAD ACCESS" PER 1990-19730-2.
 #7 EASEMENT FOR THE PURPOSE TO CONSTRUCT, RECONSTRUCT, MAINTAIN AND USE A PRIVATE ROAD PER 1999-17359-7 OF OFFICIAL RECORDS.

REVISED: 10/25/21
 10/07/21
 08/20/21
 09/14/21

OMSBERG & PRESTON	DESIGNED BY:	DATE:
	K.D.P.	11/17/18
	DRAWN BY:	DATE:
	C.W.B./A.B.	11/17/18
	CHECKED BY:	DATE:
	KIMBERLY D. PRESTON	10/25/21

PLOT PLAN

SCALE: AS SHOWN
 ZONE NO. 16-1924
 SHEET 1 OF 1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. The applicant shall submit an updated Site Plan within 30 days of approval to show the proposed location for the generator shed, and to show the relocation areas for the eleven (11) tanks to be outside of the SMA's on-site.
6. 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 #7 through #16. 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.
7. The permittee shall provide portable toilets to cultivation areas meeting appropriate setbacks, or install a permitted septic system associated with a permitted structure.
8. The one (1) Honda EU2000i generator that will be used for power source is required to be located in a permanent location within secondary containment. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.
9. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: two (2) mixed-light greenhouses, one (1) greenhouse for ancillary propagation and storage, and one (1) generator shed. 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. The applicant is conditioned to permit historic grading that occurred on-site with the Building Division.
11. The applicant shall contact the Division of Water Rights in order to update and correct the location for the point of diversion located on adjacent parcel to the south APN: 317-183-009.
12. The applicant shall record a prescriptive easement with the adjacent property to the south APN: 317-183-009, in order to allow the access of the point of diversion.
13. The applicant is required to obtain a letter or similar documentation showing the approval from the State Water Board allowing a setback reduction for the water tanks within the on-site Class II stream buffer. In the event that an allowance is not approved by the State Water Board, the applicant shall remove and relocate the water tanks and restore the area under a subsequent modification application.
14. The applicant is required to have a Site Management Plan prepared for the site to assess any mitigation measure needed to comply with the SWRCB General Order, shall implement all corrective actions in the report, and shall submit a copy of the SMP to the Planning Division when available.
15. The applicant is required to address the 0.09 acres of post-2016 timber conversion that occurred in 2017, and shall provide a Restocking Plan to restock the converted area on a 1-1-basis, prepared by a Registered Professional Forester (RPF). The submission of a document signed by the RPF stating that all restocking has been completed shall satisfy this condition.
16. The applicant shall adhere to the following conditions of approval recommended by the Department of Public Works:
 - 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. The applicant shall obtain an encroachment permit from the Department of Public Works Land Use Division prior to any work within the public right-of-way.
 - All recommendations from engineer on both access roads to be completed.
 - Whether specifically addressed or not within the road evaluation report, Per Section 1273.03 of the State Fire Safe Regulations, California Code of Regulations (CCR), Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 – Fire Protection, Subchapter 2 SRA Fire Safe Regulations, with have been established pursuant to California Public Resource Code Section 4290 et seq. (a) at no point shall the grade for all roads and driveways exceed 16 percent; (b) the grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect. Mitigation measures other than paving require an exception to be approved per Section 1270.06.
17. 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.
18. 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.
19. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility, to be furnished during an annual inspection.
2. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service until the applicant has obtained a permitted septic system on-site with DEH.
3. The applicant is conditioned to comply with the limitations and conditions set forth in the Water Right Certificate H100066.
4. The applicant is conditioned to comply with the terms and work outlined in the Stream Alteration Agreement (SAA No. 1600-2017-0444-R1) obtained from the California Department of Fish and Wildlife (CDFW).
5. 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.
6. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
7. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.5. and B.6., 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.
8. 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.
9. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
10. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
11. The use of anticoagulant rodenticide is prohibited.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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).
19. Maintain enrollment in Tier 1 or 2, certification with State Water Resource Control Boards (SWRCB) General Order No. WQ 2019-0001-DQW, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
20. 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.
21. 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).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. 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.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. 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

27. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
28. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
29. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
30. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.

- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
31. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the 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.
34. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
35. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
36. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;

- b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

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

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

ATTACHMENT 2

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

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

**APN 317-033-006; Shower's Mountain/Pilot Ridge area
County of Humboldt**

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

November 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.

Project Description:

The modified project involves a Special Permit for 7,620 square feet (sq. ft.) of pre-existing mixed-light cannabis cultivation with 800 sq. ft. of ancillary propagation, and two (2) harvests are anticipated per year. Irrigation water will be provided by a point of diversion from an unnamed creek under Water Right Certificate H100066, and the applicant is requesting a Special Permit to allow the continued use of the stream diversion. Drying will occur on-site, and trimming will be done off-site at a licensed processing facility. The applicant shall have documentation kept on-site to show the use of an off-site licensed processing facility, to be furnished during an annual inspection. There are an estimated 2-4 employees needed to operate the site. Electricity will be provided by a Honda EU2000i generator on-site.

The project was referred to the Department of Environmental Health (DEH) on January 12, 2021, and comments were received on January 15, 2021. Comments from DEH included the following recommendations of approval for the project: seasonal cultivation without processing may use portable toilets to serve the operation, the permittee shall provide portable toilets to cultivation areas meeting appropriate setbacks, or install a permitted septic system associated with a permitted structure. The applicant shall also provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service until the applicant has obtained a permitted septic system on-site with DEH.

The project was referred to the Building Division on January 12, 2021, and a site inspection was conducted on April 27, 2021. Comments from the Building Division included a recommendation of approval based on the condition that all required permits are obtained, and to submit a revised Site Plan to show water tanks in place of bladders. A revised Site Plan has been submitted to include the addition of water tanks in place of the bladders. There are a total of two (2) mixed-light greenhouses, and the applicant plans to have a 20' x 40' greenhouse that will have a shared use for propagation space, drying and storage. There is one (1) Honda EU2000i generator that will be used for power source, and the applicant is required to have the generator located in a permanent location within secondary containment. Generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams. The applicant shall submit an updated Site Plan within 30 days of approval to show the proposed location for the generator shed. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: two (2) mixed-light greenhouses, one (1) greenhouse for ancillary propagation and storage, and one (1) generator shed. Grading occurred on the site in 2015 in association with the cultivation area. The applicant is conditioned to permit historic grading that occurred on-site with the Building Division.

Water Resources

The project will source water from the stream diversion under Water Right Certificate H100066. Estimated annual water needed for irrigation is 66,400 gallons, and a total of 54,600 gallons of existing water storage is designated for irrigation and one (1) 2,500-gallon water tank is designated for fire suppression needs. An additional 15,000 gallons of water storage is proposed within three (3) 5,000-gallon tanks, which will bring the total water storage for irrigation on-site to 69,600 gallons. The Water Right Certificate H10066 incorrectly shows that the point of diversion is located on APN: 317-033-066, but should correctly show that the point of diversion exists on the adjacent parcel to the south APN: 317-183-009. The applicant shall contact the Division of Water Rights in order to correct the location for the point of diversion, and is conditioned to comply with the limitations and conditions set forth in the Water Right Certificate H100066. As well, the applicant shall record a prescriptive easement with the adjacent property to the south APN: 317-183-009, in order to allow the access of the point of diversion.

The site was historically enrolled in the North Coast Regional Water Quality Control Board's Order No. R1-2015-0023, under WDID: 1B170006CHUM. A Water Resource Protection Plan (WRPP) was prepared for the site by Natural Resource Management (NRM), dated May 27, 2017. The WRPP mentions that there is one Class I stream, the Mad River, and there are two (2) Class II streams that run through the property. A letter from NRM, dated October 5, 2020, states that staff investigated the locations, classifications and buffer areas for watercourses on-site and found that the historic Class II channel shown on the Humboldt County GIS layer appears to have been cut off by an old landslide along the southern property line and is estimated to have blocked the flow to the channel 30-50 years ago. It has been updated on the Site Plan that there is one (1) Class II stream that exists on the property. The applicant does have water tanks located within the 100-foot buffer for Class II streams required by the State Water Board, and the applicant is required to obtain a letter or similar documentation showing the approval from the Water Board allowing a setback reduction for the water tanks within the on-site Class II stream buffer. In the event that an allowance is not approved by the State Water Board, the applicant shall remove and relocate the water tanks and restore the area under a subsequent modification application. The WRPP mentions the need for upgrading one (1) culvert on-site, a small segment of road on-site that is in decent condition, a water meter will be used to meter water used from the point of diversion, and that the site met many of the standard conditions of the Order No. R1-2015-0023. Standard conditions not met by the order included keeping a log of nutrient use on-site, the presence of solid waste on-site, and need for installing secondary containment for petroleum products storage.

The applicant has enrolled in the State Water Resources Control Board's (SWRCB) General Order WQ 2019-0001-DWQ, as a Tier 1 Low Risk site. A Notice of Applicability letter dated September 6, 2019, was submitted as proof of enrollment under WDID: 1_12CC417012. The applicant is required to have a Site Management Plan prepared for the site to assess any mitigation measure needed to comply with the SWRCB General Order, shall implement all corrective actions in the report, and shall submit a copy of the SMP to the Planning Division when available.

There is one (1) known culvert on-site that needs replacing, and a point of diversion located on the adjacent parcel to the south APN: 317-183-009. The applicant has obtained a Streambed Alteration Agreement (SAA No. 1600-2017-0444-R1) with the California Department of Fish & Wildlife (CDFW) dated March 13, 2018. The applicant is conditioned to abide by the project description and work outlined within the SAA No. 1600-2017-0444-R1.

Timber Conversion

The applicant has a Timber Conversion Report (TCR) that was prepared by NRP, dated March 13, 2020. The TCR states that there are two (2) areas where timber conversion occurred on-site, totaling 0.89 acres of timber conversion. Site A was converted in 2015 consisting of approximately 0.8 acres of timber conversion, and Site B was converted in 2017 consisting of 0.09 acres of timber that was converted to allow for additional water storage on-site. The project was referred to CalFire on January 12, 2021, and the replied stating that they had evaluated timber evaluation (TCR) and that they had no additional comments at that time. The applicant is required to address the 0.09 acres of post-2016 timber conversion that occurred in 2017, and shall provide a Restocking Plan to restock the converted area on

a 1-1-basis, prepared by a Registered Professional Forester (RPF). The submission of a document signed by the RPF stating that all restocking has been completed shall satisfy this condition.

Biological Resources

The project is located approximately 0.7 miles to the nearest known Northern Spotted Owl (NSO) activity center. The project site is heavily forested, and does have the potential of containing NSO habitat. The main stem of the Mad River runs through the northern section of the property, and according to the California Natural Diversity Database (CNDDDB) for rare and endangered species, the site contains habitat for the summer-run steelhead trout. The applicant has enrolled in the SWRCB's Order No. 2019-001-DWQ for waiver of waste discharge, and all cultivation areas are located outside of any streamside management areas on-site. There are several water tanks that will be removed and relocated outside of an SMA and restoration will occur. As the site is pre-existing, and there is no proposed new development that would require tree removal, the applicant was not required to provide a Biological Report for the site. Due to the potential of habitat for NSO present on-site the applicant is required to comply with International Dark Sky Standards, shall ensure that all noise levels do not go above 50 decibels at any tree line when noise generating equipment are in use, and generators shall be enclosed in permanent generator shed locations.

Tribal Cultural Resource Coordination

The project is located in the Bear River Band Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), and the Bear River Band Tribe on January 12, 2021. The NWIC replied on January 28, 2021, recommending that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The Bear River Band THPO replied on April 6, 2021 requesting a Cultural Resource Survey (CRS) for the project. The applicant has obtained a CRS for the project site, which was prepared by William Rich, M.A., RPA with William Rich and Associates, dated October 2021. The CRS found no presence of archaeological or historic-period cultural resources on-site. The applicant shall adhere to Inadvertent Discover Protocols, as requested by the Bear River Band THPO on October 27, 2021, and 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.

Access

Access to the site is from a driveway off of Stapp Road, via Showers Pass Road which is a County maintained roadway. The applicant has submitted a Road Evaluation Report form for Stapp Road and Showers Pass Road, which indicates both roads as not being developed to the equivalent of a road category 4 standard. The traffic study form was filled out for the project which states that the Showers Pass Road and Stapp Road can accommodate the cumulative increased traffic from this project and all known cannabis projects, if the recommendations on the attached report are done. The Road Evaluation Report was prepared by Omsberg & Preston, and has been submitted to the Department of Public Works for review. Comments from the Department of Public Works recommends conditions of approval for the project. The recommended conditions include:

- All recommendations from engineer on both access roads to be completed.
- Whether specifically addressed or not within the road evaluation report, Per Section 1273.03 of the State Fire Safe Regulations, California Code of Regulations (CCR), Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 – Fire Protection, Subchapter 2 SRA Fire Safe Regulations, with have been established pursuant to California Public Resource Code Section 4290 et seq. (a) at no point shall the grade for all roads and driveways exceed 16 percent; (b) the grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect. Mitigation measures other than paving require an exception to be approved per Section 1270.06.
- 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.

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

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 54 cultivation permits and the total approved acres would be 21.15 acres of cultivation.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include having a Site Management Plan prepared for the site, having a restocking plan prepared for any timber that was converted post-2016, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise, and adhering to Inadvertent Discovery Protocols.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 7,620 sq. ft. of outdoor cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Omsberg & Preston dated 10/25/2021.
- Cultivation and Operations Plan received 9/15/2017.
- Addendum A – C to Cultivation & Operations Plan received 12/31/2019.
- Addendum D to Cultivation & Operations Plan received 8/20/2021.
- Water Right Certificate H100066.
- Notice of Applicability letter dated January 8, 2021, for enrollment in the SWRCB General Order WQ 2019-0001-DWQ, WDID: 1_12CC417012.
- A Streambed Alteration Agreement No. 1600-2017-0444-R1 dated 3/13/2018.
- A Timber Conversion Report developed by Natural Resources Management Corp. dated March 13, 2020.
- A Water Resource Protection Plan prepared by Natural Resources Management Corp. dated May 27, 2017.
- A letter from Natural Resources Management Corp. dated October 5, 2021, updating streams and streamside management information on-site.
- A Road Evaluation Report prepared by Omsberg & Preston for Showers Pass Road and Stapp Road dated 7/15/2019.
- Cultural Resources Investigation was prepared by William Rich and Associates dated October 2021.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. **(Attached with project Maps)**
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. **(Attached)**
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Water Right Certificate H100066 - **Attached**)
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. (Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ, WDID: 1_12CC417012 – **Attached**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Streambed Alteration Agreement No. 1600-2017-0444-R1 executed 3/13/2018 – **Attached**)
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior

unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Report developed by Natural Resources Management Corp. dated March 13, 2020 - **Attached**)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. A Road Evaluation Report prepared by Omsberg & Preston for Showers Pass Road and Stapp Road dated 7/15/2019. (**Attached**)
16. A Water Resource Protection Plan prepared by Natural Resources Management Corp. dated May 27, 2017. (**Attached**)
17. A letter from Natural Resources Management Corp. dated October 5, 2021, updating streams and streamside management information on-site. (**Attached**)
18. Cultural Resources Investigation was prepared by William Rich and Associates dated October 2021. (On-file and Confidential)
19. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)

COPS Plan for OTTO Farms LLC

APN: 317-033-006

APPS# 12768

**Project Overview:**

This application concerns a cannabis farm which has been in existence since prior to January 1st, 2016. We are seeking a Special Permit for 9600 square feet of mixed light cultivation. On the application that was submitted in December of 2016, it stated erroneously that the operation was only outdoor. There have been mixed light greenhouses on the property since the spring of 2015.

The landowner is in the process of retroactively permitting any buildings, grading, and other unpermitted activities on the property. The parcel in general meets many but not all of the standard conditions of site maintenance, erosion control, and drainage features, stream crossing maintenance, riparian and wetland protection, water storage, and human waste, but is being developed under professional supervision by NRM Corporation of Eureka and Baird Engineering of Fortuna to reconcile these issues.

Increased road activity is not anticipated due to the efficient nature of our cultivation activities and off-site processing. A Road Evaluation Form will be submitted to Public Works if deemed necessary.

At this time, we do not have employees on payroll. We have two workers who tend the property during the farming season. Neither live onsite. We are currently consulting our lawyers regarding officer status, salaries, and the best way to have the company structured in this regard. In the future, our workers may become paid employees rather than company officers. If that is the case, we will update our COPS and follow all state and local guidelines for employment laws.

1.) Description of water source, storage, irrigation plan, and projected water usage**Water Source & Storage:**

The water source for the agricultural irrigation comes from a Class II creek. Water is stored in a combination of bladders and hard tanks. As of 2017, there is a total of 55,500 gallons of water storage.

The property is currently registered as Tier 2 with the NCRWB and meets all the standards thereof laid out in Order No. R1-2015-0023. NRM has the WRPP and associated water use permits on file, and is in active communication with CDFW and the State Water Board concerning this project.

Irrigation Plan and Projected Water Usage:

The primary irrigation system is currently careful hand-watering. The plants are currently grown in pots, but next year we will begin transitioning to beds and installing drip line on timers. Currently, while the site is under development, careful hand-watering techniques are used in a way that generates little to no runoff or waste. Plants are usually watered every two to three days.

Water usage is carefully monitored each month from May to October. Water meters were installed this year and monthly readings will be documented and kept on-site. In 2016 the water usage was not metered, and estimated approximate total usage was around 66,400 gallons. We are working with NRM to determine if more storage is needed to meet our irrigation needs during the forbearance period.

2.) Description of site drainage, including runoff and erosion control measures.

Site Drainage & Erosion Control:

As mentioned above, we are switching to drip irrigation once we install beds in the greenhouses, which will prevent any potential runoff and erosion problems. Our soil is amended with biochar, which encapsulates nutrients and keeps them at the root site, preventing leaching. We monitor all lines, hoses, and connections carefully to ensure there is no leakage or waste of water.

The flat on which the garden area sits was created back in the logging days, and is bermed around the edges, which minimizes any potential sediment delivery as well as erosion potential.

Any bare soil near the cultivation areas will be re-seeded with native vegetation each year to keep sediment from leaving the garden site or being discharged into surface waters. We will consult with, and implement recommendations from, NRM Corp. of Eureka to improve erosion control and runoff prevention measures as well as prevent any destabilization of banks, roads, or cultivation areas on an as-needed basis.

3.) Detail of measures taken to ensure protection of watershed and nearby habitat.

Watershed and Habitat Protection:

The garden area is over 50 feet away from the Class II creek, and over 200 feet away from the Mad River. The cultivation sites do not pose a danger to any sensitive watershed or habitat areas.

There is a generator in containment. Spill kits are on site and kept with the generators. (See Page 7, Section C below for details on equipment and fuel.)

Any generators used will meet the threshold of the "60 decibel maximum" performance standard outlined in the CMMLUO and will not negatively affect nearby habitats or neighboring properties. We are familiar with the local endangered species, which we have never found on our property. We care very much for the environment and are committed to proper land stewardship in our agricultural practices.

We will work closely with Natural Resource Management Corp. and Omsberg & Preston, Civil Engineers on the design and development of the property as we upgrade and improve the existing conditions.

Our greenhouses are covered carefully and inspected daily to ensure that no light escapes after sunset. We take special care to make sure that our supplemental light does not disrupt any nearby wildlife, or neighboring property between sundown and sunrise.

4.) Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized.

Fertilizer Use & Storage:

Fertilizer is bought and used as needed. Very little is stored onsite. Any unused fertilizer and amendments is kept in a carport near the residence so that it is out of the elements.

Before fertilizer application, operators are required to evaluate weather conditions, equipment, the site to be treated as well as the surrounding area in order to determine the likelihood of substantial drift or harm to non-target areas, cross-contamination, equipment malfunctions, or creation of any health hazards.

Moving forward, we will keep a detailed farm log of all products used in cultivation for more accurate records. We take care to follow labels and feeding charts as well as standard safety protocols when administering any nutrients.

Material Safety Data Sheets for all products used are included with our application, as well as kept onsite with our farm log and compliance paperwork.

Pesticide Use & Storage:

We are educated on the Department of Pesticide Regulations' guidelines for products that are acceptable to use on cannabis, and we rarely have any fungal or pest problems needing treatment. On the rare occasion that we develop powdery mildew or mites, we use either baking soda and neem oil or beneficial predatory insects, such as ladybugs. Any organic products are kept in the carport with the nutrients and amendments.

Any other regulated substances, such as cleaning compounds like bleach, are kept in the house with the other household supplies. For information regarding fuel, please see Page 7, Section C below. Material Safety Data Sheets for all products used are included with our application, as well as kept onsite with our farm log and compliance paperwork.

5. Description of cultivation activities (e.g outdoor, indoor, mixed-light.)

Outdoor Cultivation Activities:

(See Project Overview on Page 1.)

The plants are in pots within the greenhouses, but moving forward we will be developing beds inside the greenhouses and installing drip line, as mentioned previously. We reuse and amend our soil. All spaces between the greenhouses are covered with native grass and kept short and manicured. The majority of the supplies used for our operation are reusable and we strive to create very little waste.

We will follow all regulations, performance standards, and best management practices as outlined in Humboldt County's CMMLUO as well as all other governing agency requirements. As this industry becomes more defined and new information becomes available, we will educate ourselves and our operators as to the various departmental directives. As we develop our project, we are dedicated to implementing important guidelines such as the following: 1) Emergency Action Response Plan; 2) Spill Prevention Protocols; 3) Fire Prevention Policies; 4) Materials Handling Procedures; 5) Product Purity and Quality Control Standards; and 6) Recordkeeping and Operations Documentation.

6. Processing Plan

Processing Techniques:

All processing will take place off-site. In light of the new regulations we are currently seeking a licensed, local facility to provide this service. If no such facility exists at the time the permit is issued, we will begin plans for development of compliant on-site automated, mechanical processing facilities, overseen by engineers at Omsberg & Preston and constructed by licensed contractors.

We wear gloves and clean clothing, and keep everything labelled and sterile during the drying and curing stage. Electricity for the drying and curing phase is provided by the generator, and drying takes place in the "sleeping cabin."

7. Schedule of activities during each month of the growing and harvesting season.

Farming Season:

March -April

- Season begins: site preparation, maintenance of water lines, tilling in cover crops or amending of soil for the season as needed
- Property maintenance as the weather permits
- Begin vegging clones, creating mothers for second crop

May

- Transplant and transition first crop into bloom cycle
- Second crop maintenance - vegetative stage
- Water, fertilizer, and pesticide use monitoring and recording

June

- Continuation of first blooming stage, crop maintenance
- Transplant second crop and prepare for second blooming stage
- Water, fertilizer, and pesticide use monitoring and recording

July

- Begin harvest phase of first crop
- Transition into second crop bloom cycle
- Water, fertilizer, and pesticide use monitoring and recording

August

- Harvest: Drying and curing of first crop
- Second crop maintenance - blooming stage
- Water, fertilizer, and pesticide use monitoring and recording

September

- Second crop bloom stage maintenance
- Water, fertilizer, and pesticide use monitoring and recording

October

- Second crop bloom stage ends
- Harvest: Drying and curing of second crop
- Water, fertilizer, and pesticide use monitoring and recording

November

- Farming season conclusion
- Soil tilled and cover crops planted
- Supplies stored for winter
- Water lines prepared for winter

December-January

- Winterization of property as needed
- Genetics maintenance as needed

8. Security Plan

Security Measures

The parcel where this operation is located is in a very remote rural location near Shower's Pass in what is primarily thickly forested area. It is isolated from view and cannot be easily accessed from any well-traveled public road. No workers live on-site. There is no foot traffic through or near the parcel except by the property owner and the six persons who work for OTTO Farms LLC, and the only access to the site is from the private road through a locked gate. There are always at least one officer on-site during the farming season during normal working hours.

We are willing to employ any additional security measures that the governing agencies deem necessary for permit approval. To ensure the non-diversion of product, we will enroll in a track and trace program upon implementation of those programs at the local and/or state level. We will comply with SB 420, Humboldt County's CMMLUO, CDFA, BMCR, and other governing agency's requirements and regulations as they become actualized.

For DHHS, Division of Environmental Health:

A) Onsite Wastewater:

- Please refer to the Plot Plan for structures and manmade features on the property.
- Please see note in Project Overview regarding employee/officer status of workers. At this time, there are a total of six officers who work at this location on a weekly basis through most of the season. No workers live on site.
- The cabin was built in 2017 and is in process of being developed and permitted by Omsberg & Preston. A B&B Portable Toilet can be installed at the garden site if necessary as a condition of application approval.
- There is no additional wastewater flow during processing, as all processing past drying and curing is done off-site.
- Bottled water is purchased and available for consumption for the company officers during working hours.
- The residence on the parcel is available during work hours for kitchen and bathroom usage.

B) Water Production/Well Construction:

- Please refer to Section 1 above for more details.

C) Hazardous Materials:

- One generator in containment which provides power to the greenhouses as well as the "sleeping cabin" and is actively used for the operation. It is not maintained onsite. Oil changes are done in containment and old oil is disposed of at an approved facility.
- Any cleaning supplies, compressed gasses (such as hornet spray, or disinfectants) are kept in the "sleeping cabin" and not stored at the garden site as they are primarily used for the

usual domestic purposes. Any compound of this nature needed for the operation is brought to the site for and immediately removed after any activity requiring such substances.

- No equipment is maintained at the garden site.
- We keep MSDS records in a binder on location as dictated by proper safety protocol, and our officers observe safe handling practices and follow label instructions during use of amendments and agricultural compounds. Proper safety equipment such as gloves, safety glasses, Tyvek suits, and respirators are provided for handling and application of any hazardous materials or compounds.

D) Solid Waste/Recycling:

- All garbage and recycling are kept cleanly in covered bins in a location central to both the sleeping cabin and the garden site.
- Both the garden and the residence create very little waste, as we generally reuse our supplies and try to be as sustainable as possible in practice. Most of the trash generated is recycling from the residence and is domestic in nature. (cardboard, plastic bottles, etc.).
- All refuse is removed weekly and taken to Eel River Resource Recovery in Fortuna. Recycling is removed monthly as very little is generated.

E) Consumer Protection:

- Our product is never handled by a bare human hand. We take great precaution to ensure the highest level of purity and sterility of our product. There is no food production in our commercial operation. Our products are lab tested locally for quality assurance.

OTTO FARMS, LLC

APN: 317-033-006 | HCPB APPS# 12768 | WDID: 1B170006CHUM



REQUESTED ADDENDUM TO CULTIVATION & OPERATIONS PLAN

prepared for:

Humboldt County Planning Department

Application Submitted under Ordinance No. 2559

•REVISION DATE: 09/11/19•

STATEMENT OF RELEVANCE AND COHESION TO PREVIOUS VERSION(S):

Please be advised that as this is a living document, operational changes may have occurred since the initial Cultivation & Operations Plan was submitted. As such, and because the requirements from multiple governing agencies have evolved over time, there may be inconsistencies in format and content of the Cultivation & Operations Plan on file when compared to other submitted documents. Because this application was initially submitted under a previous version of the Ordinance, the cultivation plan is constantly being updated to accurately encompass all aspects as required by the current County Ordinance and will be submitted as necessary.

Cultivation and Operations Plan

Addendum #A: Cultivation Area and Project Description

The Interim Permit issued by HCPB and stamped 6/29/18 is for 9060 sq. ft. but that is an obvious typo. The correct footprint, (as shown on the Plot Plan and in the Incomplete Letter by Isaac Hansen) is 9600 sq. ft. of outdoor cultivation area (light deprivation in hoopouses). Please revise the Interim Permit so that the permit and project description accurately reflect each other and the project is able to be in compliance and taxed appropriately.

Addendum #B: Lighting & International Dark Sky Standards

As we are a light deprivation “outdoor” operation, we do not use lights in our greenhouses. We use blackout tarps to create scheduled darkness for the plants inside, but do not use supplemental light by which to artificially bloom said plants.

We take special care to make sure that any operational sources of light (work lights, security/motion lights, headlamps, etc) do not disrupt any nearby wildlife, or neighboring properties from one hour before sunset until one hour after sunrise.

We use the lowest wattage feasible for our operations to conserve energy as well as to prevent unnecessary upward glow, and ancillary lighting is angled downward and/or shielded so that it focuses directly on the needed areas and doesn't spill into surrounding areas or neighboring parcels.

Addendum #C: Greenhouse Construction

As shown on the Plot Plan, this application concerns using 9600 sq. ft. of existing greenhouse frames, that are constructed out of lumber and metal piping. The skins (plastic sheeting) are removable and only used during certain parts of the season as needed. The greenhouse frames have unimproved flooring and the footpaths are bare ground covered with weed fabric.

OTTO FARMS, LLC

APN: 317-033-006 | HCPB APPS# 12768 | WDID: 1B170006CHUM



REQUESTED ADDENDUM TO CULTIVATION & OPERATIONS PLAN

prepared for:

Humboldt County Planning Department

Application Submitted under Ordinance No. 2559

•REVISION DATE: 7/12/21•

STATEMENT OF RELEVANCE AND COHESION TO PREVIOUS VERSION(S):

Please be advised that as this is a living document, operational changes may have occurred since the initial Cultivation & Operations Plan was submitted. As such, and because the requirements from multiple governing agencies have evolved over time, there may be inconsistencies in format and content of the Cultivation & Operations Plan on file when compared to other submitted documents. Because this application was initially submitted under a previous version of the Ordinance, the cultivation plan is constantly being updated to accurately encompass all aspects as required by the current County Ordinance and will be submitted as necessary.

P.O. Box 223, Fortuna CA 95540 | (702) 533-2445 | ottofarmsllc@gmail.com

Cultivation and Operations Plan

Addendum #D: Lighting & International Dark Sky Standards

In the Cultivation and Operations Plan Addendum dated 9/11/19, we stated that the cultivation was a light deprivation "outdoor" operation. However, as we were mixed-light prior to 2016 and have had to obtain licensing as Mixed-Light with CDFA (due to the use of greenhouses), we would like to keep our original status of Mixed-Light so that we may use supplemental lighting to produce two crop cycles each year, as the CDFA licensing fees are nearly tripled for Mixed Light. Please disregard Addendum #B in the previously submitted version of this document and use this revision for project approval.

The greenhouse covers (or "tarps") will be securely fastened to the greenhouse frames and visually inspected daily to ensure that no rips or tears in the material allow light to leak. We understand that light is not allowed to escape the covered greenhouses from one hour prior to sundown to one hour after sunrise.

We will take special care to make sure that any operational sources of light (work lights, headlamps, security/motion lights, etc) do not disrupt any nearby wildlife, or neighboring properties from one hour before sunset until one hour after sunrise.

We use the lowest wattage feasible for our operations to conserve energy as well as to prevent unnecessary upward glow, and ancillary lighting is angled downward and/or shielded so that it focuses directly on the needed areas and doesn't spill into surrounding areas or neighboring parcels.



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H500712*

CERTIFICATE *H100066*

Right Holder: *Aleksandar Aleksandrov
PO Box 223
Fortuna, CA 95540*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *04/17/2018*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Creek	Unnamed Stream	Unnamed Stream	Mad River	40.6039	-123.6807	Humboldt	317-033-066-000

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	317-033-066-000	0.211

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *05/25/2018*.

The place of use is shown on the map filed on *05/25/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.17 acre-feet per year** to be collected from 11/01 to 05/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.181 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

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

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

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

stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)

18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 05/25/2018 13:00:40

© 2018 - State Water Resources Control Board

North Coast Regional Water Quality Control Board

September 6, 2019

WDID:1_12CC417012

OTTO FARMS LLC
ATTN: ALEKSANDAR ALEKSANDROV
SHOWERS PASS ROAD
BRIDGEVILLE, CA 95526

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

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

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

Sincerely,

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

190906_1L_1_12CC417012_1B170006CHUM_Showers_Pass_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, OTTO FARMS LLC, HUMBOLDT COUNTY APN(s) 317-033-006

Otto Farms LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 10, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC417012**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B170006CHUM.

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

1. FACILITY AND DISCHARGE DESCRIPTION

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

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

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

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

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

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

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

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

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

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

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

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

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

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by September 07, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

4. MONITORING AND REPORTING PROGRAM

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

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32.

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

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

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

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

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

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us
Aleksandar Aleksandrov Showers Pass Bridgeville, CA 95526

RECEIVED

MAR 13 2018

CDFW - EUREKA



CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2017-0444-R1
Unnamed Tributaries to the Mad River and the Pacific Ocean

Mr. Aleksander Aleksandrov
Aleksandrov Water Diversion and Stream Crossings Project
2 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Aleksander Aleksandrov (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on July 11, 2017, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accept its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Mad River watershed, approximately 10.5 miles northwest of the town of Bridgeville, County of Humboldt, State of California. The project is located in Section 25, T 3N, R 4E, Humboldt Base and Meridian; in the Showers Mountain U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 317-033-006; latitude 40.60387 N and longitude -123.68068 W at the single point of diversion (POD), and latitude 40.60374 N and -123.68088 W at the single stream crossing.

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PROJECT DESCRIPTION

The project is limited to 2 encroachments (table 1). One encroachment is for an existing water diversion from an unnamed class III tributary to the Mad River. A submerged and properly screened 1 inch poly pipe is gravity fed to 60,000 gallons of storage. Water is diverted for cannabis cultivation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The second encroachment is an existing unimproved seasonal low water crossing of an unnamed tributary to the Mad River. The infrequently used crossing with a very shallow ingress and egress will be improved to a rocked ford.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD 1	40.60387 N -123.68068 W	Gravity fed diversion of water through a 1 inch poly pipe from an unnamed class III tributary to the Mad River for cannabis cultivation
Crossing 1	40.60374 N -123.68088 W	Improve an existing seasonal low water crossing of a class III unnamed tributary to the Mad River to a rocked ford

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include southern torrent salamander (*Rhyacotriton variegatus*), foothill yellow-legged frog (*Rayna boylei*), coastal tailed frog (*Ascaphus Truei*), Chinook salmon (*Oncorhynchus tshawytscha*), steelhead trout (*O. mykiss*), tracy's blacksnakeroot (*Sanicula tracyi*), bald mountain milkvetch (*Astragalus umbraticus*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species and native plants.

The adverse effects the project could have on the fish or wildlife resources identified above include:

Impacts to water quality:

- increased water temperature
- reduced instream flow
- temporary increase in fine sediment transport

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:

- loss or decline of riparian habitat
- direct impacts on benthic organisms

Impacts to natural flow and effects on habitat structure and process:

- cumulative effect when other diversions on the same stream are considered
- diversion of flow from activity site
- direct and/or incidental take
- indirect impact
- impediment of up- or down-stream migration
- water quality degradation
- damage to aquatic habitat and function

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.

- 1.6 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 7 days after the project is fully completed.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on July 11, 2017 with revisions received October 2, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed 5 gallons per minute (gpm) at any time.
- 2.3 **Bypass Flow.** The Permittee shall pass 90% flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.4 **Seasonal Diversion Minimization.** No water shall be diverted during the low flow season from ~~May 15 to October 15~~ of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.5 **Measurement of Diverted Flow.** The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water diverted on a weekly basis in a log book to be kept on site and provided to CDFW upon inspection request. Water Diversion Records shall be submitted annually to CDFW per Condition 3.1 of this Agreement.
- 2.6 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than 60 days from the signing of this agreement that describes how

compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

- 2.7 **Intake Structure.** No polluting materials (e.g., particle board, plastic sheeting, and bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.8 **Intake Screening.** Screens shall be installed on intakes and in place, wherever water is diverted. Structure placement, approach velocity, sweeping velocity, screen openings, and screen construction shall conform to criteria described in the California Salmonid Stream Habitat Restoration Manual, Appendix S. This document is available at <http://www.dfg.ca.gov/fish/Resources/HabitatManual.asp>. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.9 **Intake Shall Not Impede Aquatic Species Passage.** The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.10 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.11 **Water Storage Maintenance.** Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.12 **State Water Code.** This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

3. Stream Crossings

- 3.1 Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 3.2 Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 3.3 Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 3.4 Work Period.** All work, not including water diversion, shall be confined to the period June 15 through October 1 of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 3.5 Stream Diversion.** When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations.
- 3.6 Coffer Dams.** Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

- 3.7 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work shall be submitted to CDFW within 7 days of project completion.
- 3.8 **Excavated Fill.** Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 3.9 **Runoff from Steep Areas.** The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

Rock-fill ford crossing.

- 3.10 Crossing 1 shall be a rock-fill ford crossing: A watercourse crossing where rock that is free of fines is placed as fill in the channel to establish a usable road grade through the crossing to accommodate traffic. Often a thin layer of sacrificial small-diameter rock is placed on top of the rock fill to provide a running surface that can accommodate truck traffic. Streamflow will typically pass through the rock fill during periods of low flow, but will pass over the rock fill during periods of high flow.
- 3.11 Fords, armored and vented crossings are considered permanent watercourse encroachments and shall accommodate the 100-year flood flow plus associated sediment and debris.
- 3.12 Hydrologically-connected road approaches to fords, armored and vented crossings shall be rocked and maintained to avoid delivery of fine sediment to the watercourse below.
- 3.13 Fords, armored and vented crossings shall be maintained as necessary to avoid delivery of fine sediment to the watercourse below.
- 3.14 Fords, armored and vented crossings shall be sufficiently outsloped to minimize aggradation of suspended sediments at the crossing
- 3.15 The lowest point of fords, armored and vented crossings shall be constructed within or directly over the original stream channel, to the extent feasible, in order to contain high flows up to twice bank-full and to avoid diversion potential.

- 3.16 Armor material shall be comprised of durable angular screened quarry rock of sufficient size and placement to minimize mobilization during a 100-year storm event. Wood may be used for armoring if sound, tight-grained, redwood is applied and sufficiently keyed into the fillslope to resist movement during a 100-year storm event.
- 3.17 Stream crossing spillway fill slopes shall be armored from roadbed to the natural channel in a manner sufficient to prevent significant scour or removal of armor during high flows. Scour is expected through road surface rock cap.
- 3.18 Project Inspection. The Project shall be inspected to ensure that the stream crossing was installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

4. Reporting Measures

- 4.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.5) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2018**.
- 4.2 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.6) no later than **60 days after signing this agreement** that describes how compliance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 4.3 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 3.18) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. Aleksander Aleksandrov
PO Box 223
Fortuna, CA 95540
707-672-6505
openroadagencyllc@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0444-R1

LIABILITY

The Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of the Permittee, the signatory hereby acknowledges that he or she is doing so on the Permittee's behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR Mr. Aleksander Aleksandrov



Aleksander Aleksandrov

03/12/18
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Cheri Sanville
Senior Environmental Scientist Supervisor

3/20/18
Date

Prepared by: T.O. Smith, Senior Scientist, October 23, 2017



March 13, 2020

OpenRoadAgency.LLC
Aleksandar Aleksandrov
P.O. Box 223
Fortuna, CA 95540

**OpenRoadAgency.LLC Showers Pass Conversion Mitigation Report
for Humboldt APN #317-033-006
SW ¼ of SW ¼ of Section 25, T3N, R4E HB&M**

OpenRoadAgency.LLC and Aleksandar Aleksandrov has applied for a Humboldt County *Cannabis* cultivation permit under Ordinance 2544. Within the Ordinance under Section 55.4.10 (j), is the requirement "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 CAL FIRE, 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."

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act (FPA). On March 6th, 2020, Ethan Coonen, RPF #3089, of Natural Resources Management Corp. visited the property and inspected the converted areas. The clearing efforts that have occurred are considered conversion of timberland and were performed without a proper permit from CalFire.

1. Contact Information

a. Timberland/Timber Owner of Record:

OpenRoadAgency.LLC c/o Aleksandar Aleksandrov
P.O. Box 223
Fortuna, CA 95540
openroadagencyllc@gmail.com
(707) 672-9484

b. Registered Professional Forester Preparing Report:

Ethan Coonen RPF # 3089
1434 Third Street
Eureka, CA 95501
(707) 442-1735

2. Location of Project

- a. Site Address: 8.5 Miles northeast of Dinsmore
- b. Community Area: Stapp Ranch/Showers Pass
- c. Assessor's Parcel No(s): **317-033-006**
- d. Parcel Size(s): 44 acres

Note: A legal parcel boundary survey was not a part of this Timberland Conversion Report. Parcel boundary lines on maps in this report are from Humboldt County GIS data and do not constitute a legal survey. Actual boundaries maybe different than as depicted on maps in this report.

3. Project Description

- a. Timber stand characteristics including species composition and age class.

The property is within a Douglas-fir/oak forest. The surrounding forest composition consists primarily third growth Douglas-fir and oak with a minor amount of other hardwood species. With all species combined, basal area ranges between 160 to 200 square feet per acre with 80% to 100% closed canopy. The property is zoned Timber Production Zone (TPZ).

- b. Watercourse and Lake Protection Zones (WLPZ) which exist within the boundaries of the parcel or immediate vicinity of the project (Section 916.4)

RIPARIAN BUFFER WIDTHS:

Class II standard watercourse 14CCR 916.9(g): (within the Coastal Anadromy Zone)

*Channel Zone = channel between the WTL.
 <30% = 15' Core Zone and 50' Inner Zone
 30%-50% = 15' Core Zone and 75' Inner Zone
 >50% = 15' Core Zone and 100' Inner Zone*

Class III watercourse 14CCR 916.9(h): (within the Coastal Anadromy Zone)

*30 ft. for side slopes <30%.
 50 ft. for side slopes >30%.*

There is a Class II watercourse on the parcel.

- c. Describe the timber harvest history, including timber operations within the parcel prior to the unauthorized conversion.

Nearly all the conifer forests in the area were harvested in the late 40's and early 50's; Large diameter Douglas-fir trees were tractor yarded.

- d. Identify and describe any portions of the parcel that are part of the unauthorized conversion of timberland. Calculate the total acreage of all areas converted. Differentiate between discrete (non-contiguous) areas of conversion and provide relevant sub-totals of these acreages.

There are two areas on this parcel, totaling **0.89 acres**, that were converted without a 1104 conversion exemption or other conversion permit.

Site	Converted	Acres
A	2015	0.80
B	2015	0.09

Conversion Site A

This site was converted in 2015 when the log landing terrace was used for *Cannabis* cultivation. The site currently spans a 310' by 130' area (Figures 2 & 3). Currently the terrace is occupied by two 103' x 30' greenhouses, an 18' x 40' greenhouse and a 22' x 26' cabin. No cultivation present during the site visit on March 6th, 2020 (Photos 1-4). Aspect is north and surrounding slopes range from 10% to 45%. The site is accessed with a dirt road from the south. Grading has occurred here. Slash is present in various locations around the conversion perimeter, see recommendations #2 & #3. Ownership at time of conversion was Open RoadAgency.LLC. This site is intended to be used for *Cannabis* cultivation. Area converted without a permit; **0.80 acres.**

Conversion Site B

This site was converted in 2017 when the logging road prism was expanded to 40' x 100' to accommodate a 50K water bag (Figures 2 & 3). The stored water is used for irrigating the *Cannabis* garden at Site A (Photos 8 & 9). Currently only a 50K water bag occupies the site. Aspect is north and surrounding slopes range from 35% to 50%. The site is accessed with a dirt road from the west. The conversion is 90' (SD) from a Class II watercourse with 35% slope between. The landowner plans to replace the water bag with hard tanks this year. Ownership at time of conversion was OpenRoadAgency.LLC. This site is intended to be used for water storage for *Cannabis* cultivation. Area converted without a permit; **0.09 acres.**

4. Analysis of Consistency Between Unauthorized Conversion and Applicable Forest Practice Rules (CFPR)

a. Harvest Practices and Erosion Control (CFPR Section 914)

No permits were obtained prior to conversion operations. No erosion issues associated with timber clearing present at any of the three conversion sites.

b. Logging Roads, Landings, and Logging Road Watercourse Crossings (CFPR Section 923)

The access roads to the conversion sites are the appurtenant roads for the conversion operations that occurred. The road system is dirt; use during winter period should be minimized. A ford on a Class II watercourse is the only crossing on the parcel (Photos 6 & 7). The ford was recently upgraded and permitted with CDFW under LSAA 1600-2017-0444-R1, written by Natural Resources Management Corp. of Eureka. Several points along the road could have drainage improved. See below for road dewatering recommendations.

c. Watercourse and Lake Protection Zones (CFPR Section 916)

Neither of the conversion sites are within riparian buffers.

d. Hazard Reduction (CFPR Section 917 and 1104.1(a) (2)(D) 4.

Two piles of slash and scattered slash are present at Conversion Site A, see Recommendations #2 & #3 below.

e. Rare, Threatened or Endangered Plants or Animals (CFPR Section 919)

No Rare, Threatened, or Endangered Plants or Animals were observed during the site visit. According to California's Natural Diversity Database no listed or sensitive species are within a mile of the conversion sites except *Oncorhynchus mykiss irideus* pop 36. This species of fish is known to inhabit the Mad River where it flows through the project parcel. Perlite is present in various amounts across Conversion Site A, see recommendation MP #1 below.

f. Significant Historical or Archeological Sites (CFPR Section 929)

No evidence of historical or archaeological sites were observed at or near the conversion sites.

5. Summary and Recommendations

Conversion Sites A is suitable for *Cannabis* cultivation and Site B is suitable for water storage.

Site specific recommendations: Seven Rec Points (location specific recommendation) are given to bring the conversion sites and their access into compliance with the FPA. Locations of Rec Points can be found on Figures 2, and 3 labeled with their recommendation number.

#1) Uncontained piles of grow-soil with perlite (Photo 5). Keep perlite from entering watercourses by: reuse, properly dispose of, or stabilize piles with native grasses and mulch. If soil is to be reused it shall be fully covered with a tarp or other cover to prevent rainfall erosion.

#2) Untreated slash is fire hazard and pest habitat (Photo 5). Pile and burn, chip and spread, or bury woody debris to reduce fire potential, fire severity, and pest habitat. Permits must first be obtained from CAL FIRE and Air Resource Board for burn piles.

#3) Untreated slash is fire hazard and pest habitat. Pile and burn, chip and spread, or bury woody debris to reduce fire potential, fire severity, and pest habitat. Permits must first be obtained from CAL FIRE and Air Resource Board for burn piles.

#4) Rocked road approaches Class II watercourse (Photos 6). Construct berm relief ditch to allow drainage and prevent road generated sediment from entering watercourse at crossing. Monitor crossing for rock stability and erosion. If rock is washed away after winter period, replace rock before use. If erosion occurs consult with erosion control specialist to improve ford design. Crossing permitted with CDFW under LSAA 1600-2017-0444-R1

#5) Rocked road approaches Class II watercourse (Photo 7). Construct berm relief ditch to allow drainage and prevent road generated sediment from entering watercourse at crossing. Crossing permitted with CDFW under LSAA 1600-2017-0444-R1

#6) Dirt road with insufficient drainage. If road will be used during wet period (October 15 to May 1) than construct rolling dip to drain surface flow from road to prevent erosion. Alternatively: if road rarely used during wet period than construct waterbar at end of work season and repair as needed.

#7) Dirt road with insufficient drainage. If road will be used during wet period (October 15 to May 1) than construct rolling dip to drain surface flow from road to prevent erosion. Alternatively: if road rarely used during wet period than construct waterbar at end of work season and repair as needed.

6. Photos, Figures, Map



Photo 1. Site A – Looking north from south edge.



Photo 2. Site A – Looking southeast from northwest corner.



Photo 3. Site A – Looking west from eastern location.



Photo 4. Site A – Looking northeast from east location.



Photo 5. Site A – Rec Point 1 & 2, uncontained soil with perlite and slash pile.



Photo 6. Ford crossing – looking road-left. White arrow indicates location of recommended berm relief.



Photo 7. Ford crossing – Looking road-right. White arrow indicates location of recommended berm relief.



Photo 8. Site B – Looking east from west edge.



Photo 9. Site B – Looking west from east edge.

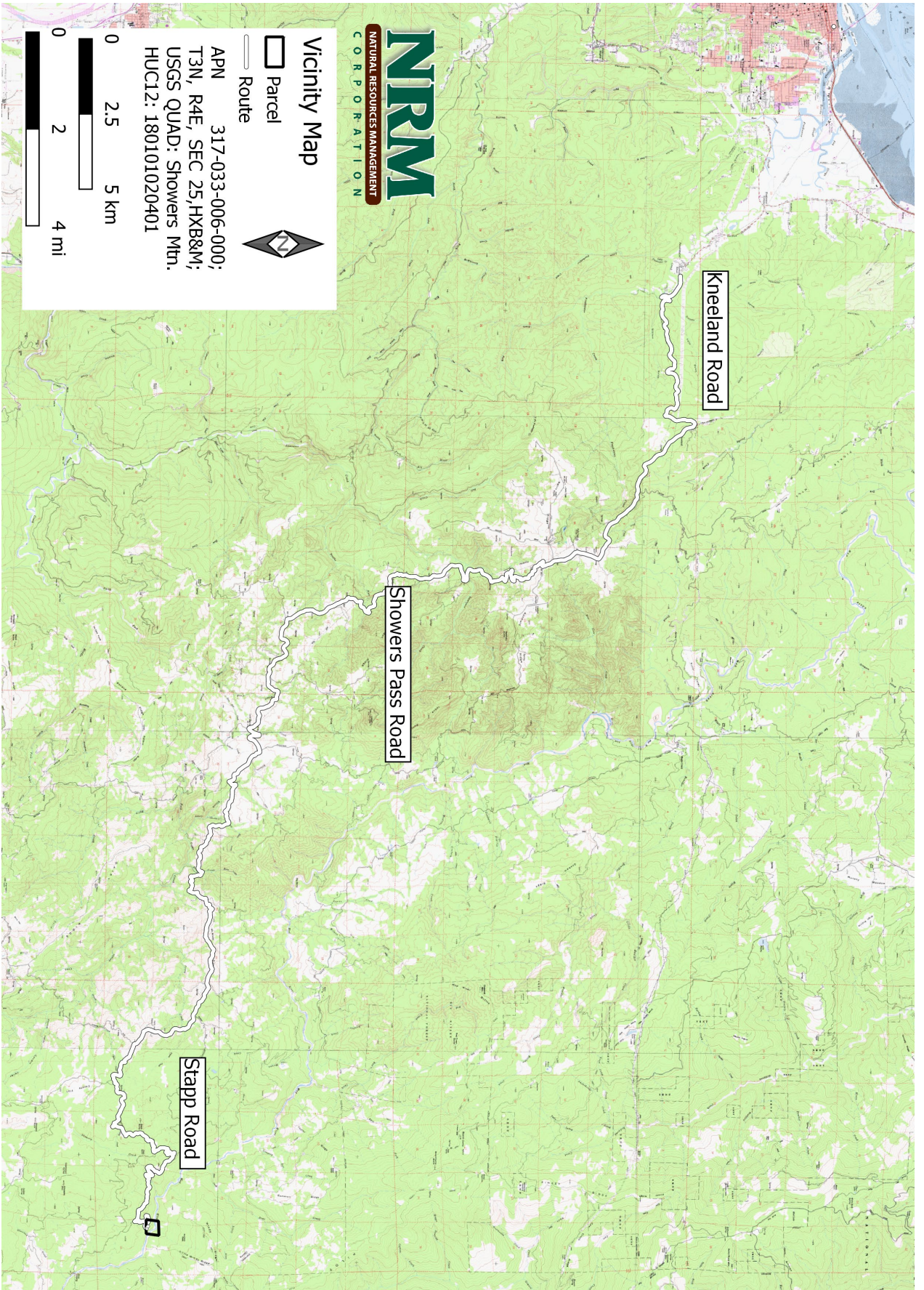


Figure 1. Vicinity Map for APN:317-033-006.

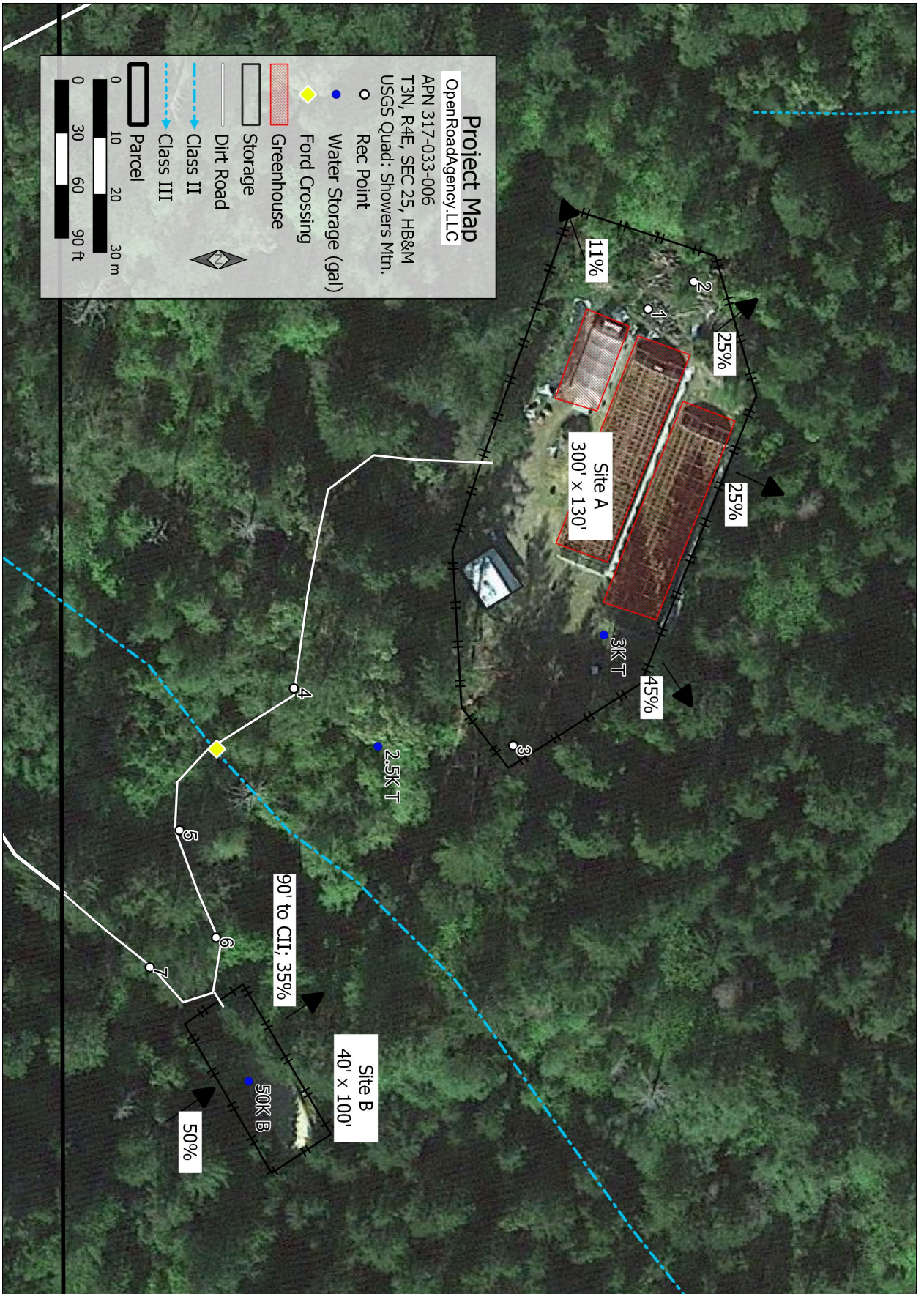


Figure 2. Project Map with topographic background.

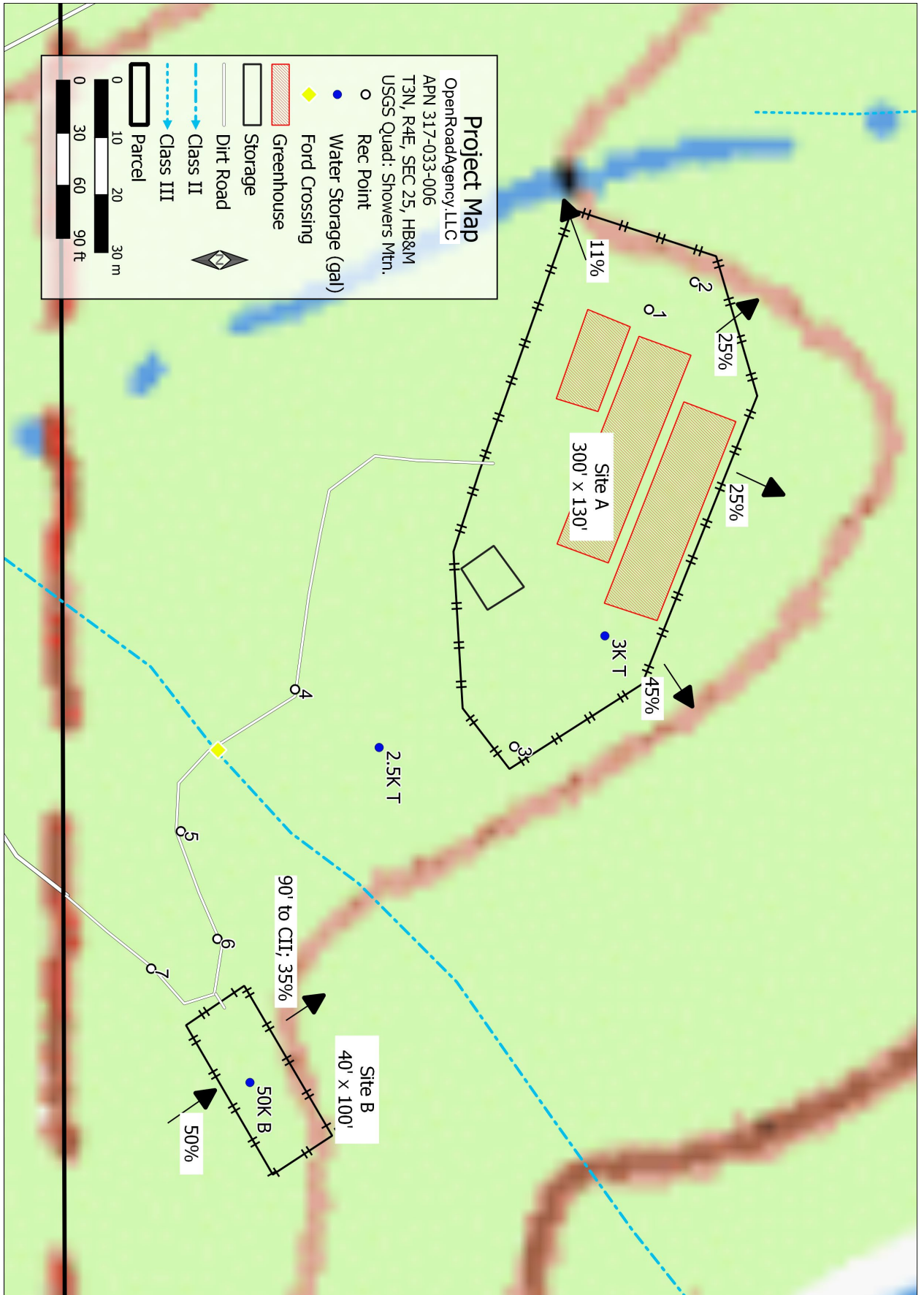


Figure 3. Project Map with Topographic Background.

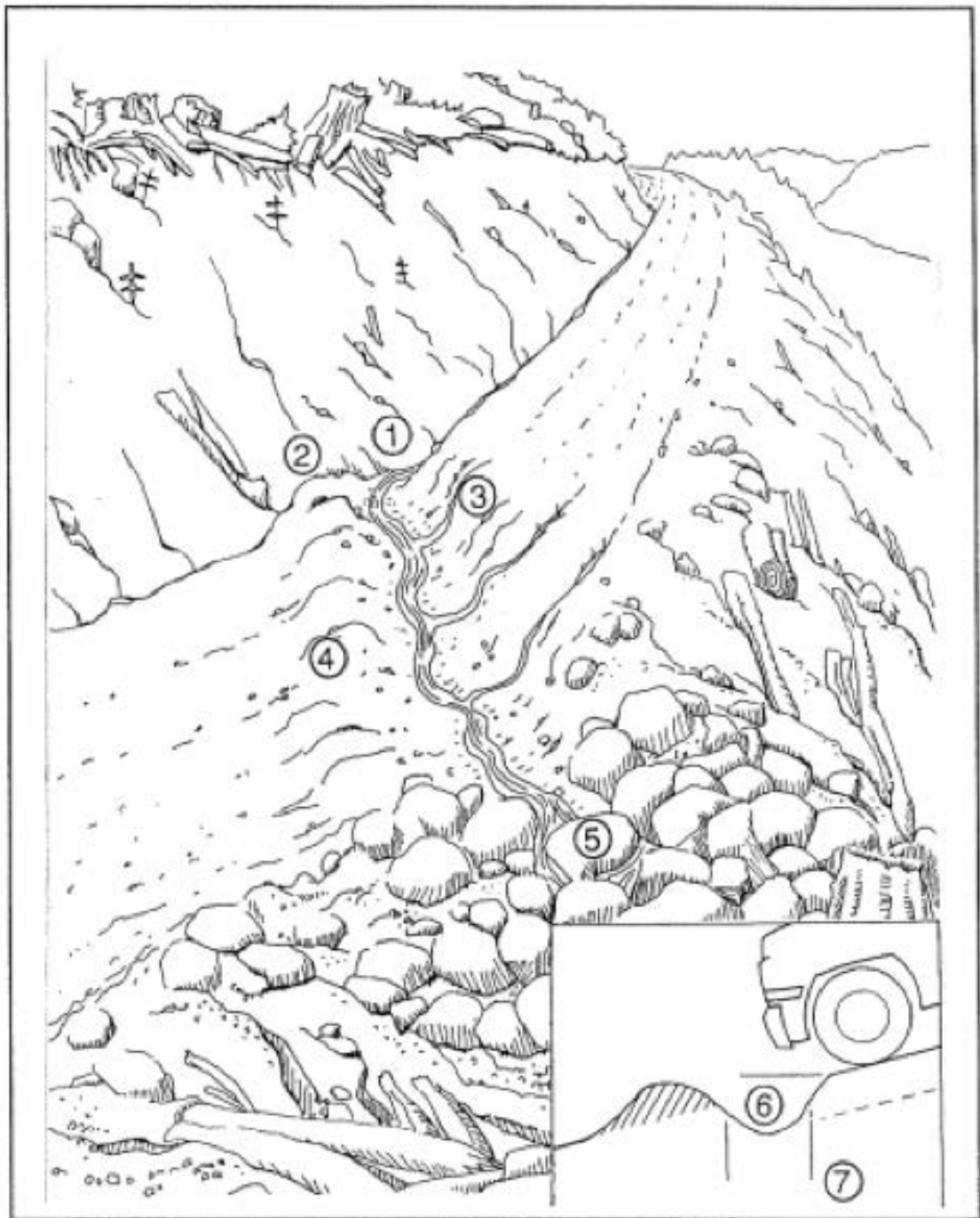


FIGURE 4. Waterbars are constructed on unsurfaced forest and ranch roads that will have little or no traffic during the wet season. The waterbar should be extended to the cutbank to intercept all ditch flow (1) and extend beyond the shoulder of the road. A berm (2) must block and prevent ditch flow from continuing down the road during flood flows. The excavated waterbar (3) should be constructed to be self cleaning, typically with a 30° skew to the road alignment with the excavated material bermed on the downhill grade of the road (4). Water should always be discharged onto the downhill side on a stable slope protected by vegetation. Rock (shown in the figure) should not be necessary if waterbars are spaced close enough to prevent serious erosion. (5) The cross ditch depth (6) and width (7) must allow vehicle cross-over without destroying the function of the drain. Several alternate types of waterbars are possible, including one that drains only the road surface (not the ditch), and one that drains the road surface into the inside ditch (BCMF, 1991).

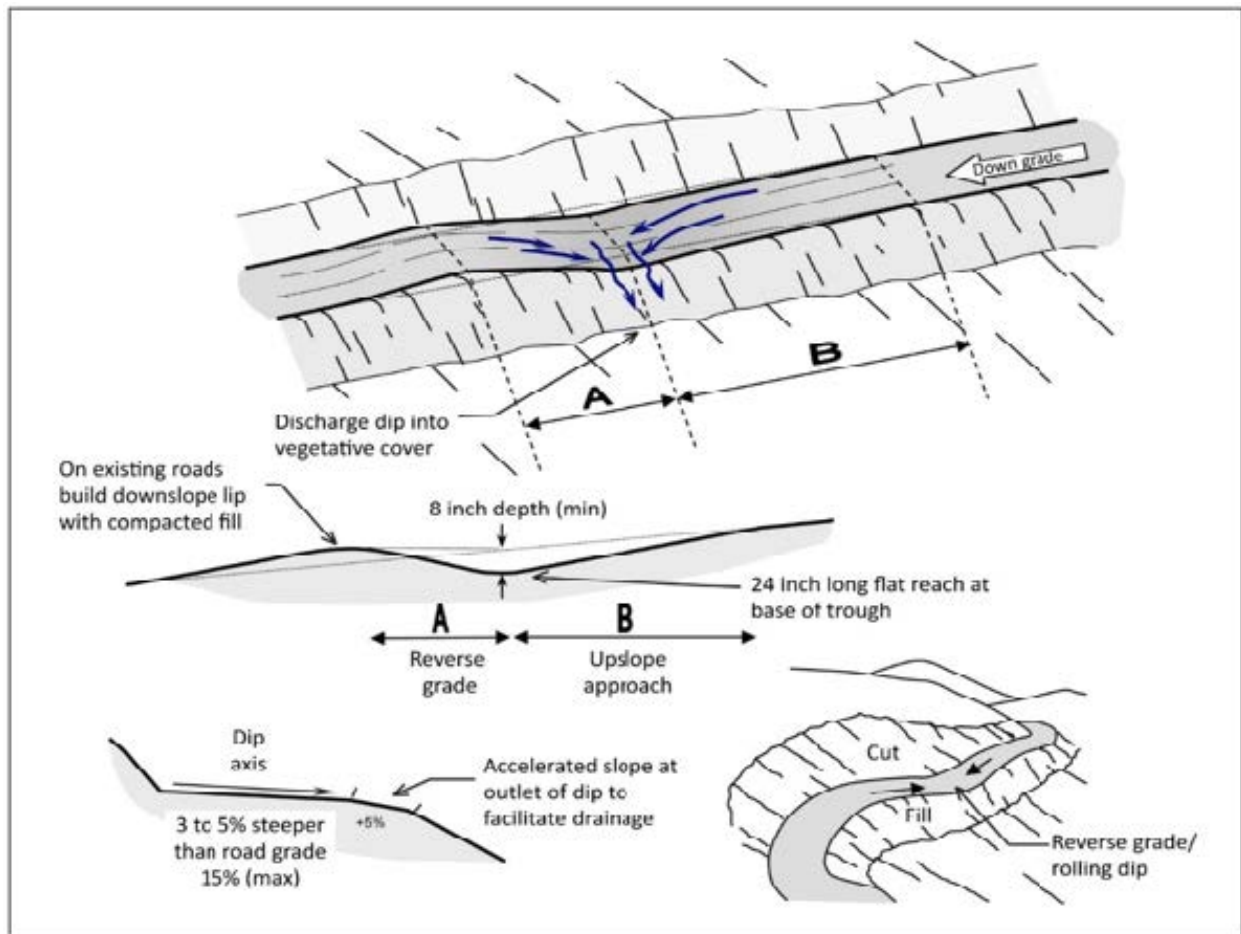


Figure 5. A classic Type I rolling dip, where the excavated up-road approach (B) to the rolling dip is several percent steeper than the approaching road and extends for 60 to 80 feet to the dip axis. The lower side of the structure reverses grade (A) over approximately 15 feet or more, and then falls down to rejoin the original road grade. The dip must be deep enough that it is not obliterated by normal grading, but not so deep that it is difficult to negotiate or a hazard to normal traffic. The outward cross-slope of the dip axis should be 3% to 5% greater than the up-road grade (B) so it will drain properly. The dip axis should be outsloped sufficiently to be self-cleaning, without triggering excessive downcutting or sediment deposition in the dip axis (Modified from: Weaver et.al 2015).

Table 2. Dimensions for rolling dip construction.

Road grade (%)	Upslope approach (distance from uproad start of rolling dip to trough) (ft)	Reverse grade (distance from trough to crest) (ft)	Depth below average road grade at discharge end of trough (ft)	Depth below average road grade at upslope end of trough ₂ (ft)
< 6	55	15-20	0.9	0.3
8	65	15-20	1.0	0.2
10	75	15-20	1.1	0.1
12	85	20-25	1.2	0.1
>12	100	20-25	1.3	0.1

7. References and Conditions

Handbook for Forest, Ranch and Rural Roads, 2015. Weaver et. al. Pacific Watershed Associates
California Forest Practice Rules, 2020; Title 14, California Code of Regulations
Humboldt County Web GIS; <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>
California Natural Diversity DataBase, BIOS; <https://apps.wildlife.ca.gov/bios/?al=ds85>

STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE
PREPARATION AND USE OF THE LESS THAN 3 AC CONVERSION MITIGATION PLAN

1. This information has been prepared for the sole use of the **Landowner of Record**, for the express purpose of submitting the document to CAL Fire and or the local county planning department.
2. Natural Resources Management Corporation does not assume any liability for use of this information by any party other than the owner or their agent.
3. The assessment presented in this report should be viewed and considered in light of the time spent observing the property and the methodologies used. The assessment may differ from those made by others or from the results of interpretation and assessment protocols.
4. Natural Resources Management Corporation did not conduct an investigation on a legal survey of the property.
5. The information is based upon conditions apparent to Natural Resources Management Corporation at the time the work was done. This report is time sensitive and provides current conditions as per the date of this document. No further clearing of trees, grading or construction of structures shall occur on site until the approval of this document by CAL Fire and/or the local county planning department.
6. All future work on site shall be through **approved permits** with local, state, or county agencies.
7. Natural Resources Management Corporation shall not be responsible for the supervision of mitigation operations following approval of this conversion plan.

Signature Page

Landowner of Record: _____ OpenRoadAgency.LLC _____

Signature: _____ Date: _____

Registered Professional Forester: Ethan Coonen RPF #3089

Signature:  Date: 1-31-2020

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: Part A may be completed by the applicant

Applicant Name: OTTO FARMS, LLC APN: 317-033-006

Planning & Building Department Case/File No.: APPS. # 12768

Road Name: SHOWERS PASS ROAD (complete a separate form for each road)

From Road (Cross street): SHOWERS/DAIRY RIDGE

To Road (Cross street): STAPP ROAD

Length of road segment: +/- 0.4 miles Date Inspected: 4-29-2019

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

Check one of the following:

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

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

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

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

(SEE ROAD EVAL., DATED 7-19-19, ON FILE W/DPW)

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

Kimberly D. Preston
Signature

8-17-2021
Date

KIMBORLY D. PRESTON
Name Printed

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

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

Road Name: SHOWERS PASS RD Date Inspected: 4-23-19 APN: 317-033-006
From Road: SHOWERS/DAIRY RIDGE (Post Mile 4.0) Planning & Building Department Case/File No.:
To Road: STAPP ROAD (Post Mile 8.4) Apps. # 12768

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?
Number of other known cannabis projects included in ADT calculations:
(Contact the Planning & Building Department for information on other nearby projects.)

ADT: < 400 Date(s) measured: ESTIMATED ONLY

Method used to measure ADT: Counters Estimated using ITE Trip Generation Book
Is the ADT of the road less than 400? Yes No

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

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

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

- A. Pattern of curve related crashes.
Check one: No. Yes, see attached sheet for Post Mile (PM) locations.
- B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles
Check one: No. Yes, see attached sheet for PM locations.
- C. Substantial edge rutting or encroachment.
Check one: No. Yes, see attached sheet for PM locations.
- D. History of complaints from residents or law enforcement.
Check one: No. Yes (check if written documentation is attached)
- E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)
Check one: No. Yes.
- F. Need for turn-outs.
Check one: No. Yes, see attached sheet for PM locations. (See Road eval 7-15-19, on file w/ DPW)

3. Conclusions/Recommendations per AASHTO. Check one:
 The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.
 The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a Neighborhood Traffic Management Plan is also required and is attached.)
 The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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

Kimberly D. Preston
Signature of Civil Engineer

5-18-2021
Date



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

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HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: Part A may be completed by the applicant

Applicant Name: OTTO FARMS, LLC APN: 317-033-006

Planning & Building Department Case/File No.: APPS. # 12768

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

From Road (Cross street): SHINDERS PASS ROAD

To Road (Cross street): APN 317-033-006

Length of road segment: 1-7.8 miles Date Inspected: 4-23-2019

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

Check one of the following:

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

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

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

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

(SEE ROAD EVAL., DATED 7-15-19, ON FILE W/ DPW)

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

Kimberly J. Preston
Signature

8-17-2021
Date

KIMBERLY J. PRESTON
Name Printed

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

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

Road Name: STAPP RD. Date Inspected: 4-23-19 APN: 317-033-006
From Road: SHOWERS PASS RD. (Post Mile 0) Planning & Building
To Road: APN 317-033-006 (Post Mile 7.8 +/-) Department Case/File No.: Apps. # 12768

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

Number of other known cannabis projects included in ADT calculations:
(Contact the Planning & Building Department for information on other nearby projects.) +L6/7

ADT: < 400 Date(s) measured: ESTIMATED ONLY

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

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

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

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

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

- A. Pattern of curve related crashes.
Check one: No. Yes, see attached sheet for Post Mile (PM) locations.
- B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles
Check one: No. Yes, see attached sheet for PM locations.
- C. Substantial edge rutting or encroachment.
Check one: No. Yes, see attached sheet for PM locations.
- D. History of complaints from residents or law enforcement.
Check one: No. Yes (check if written documentation is attached)
- E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)
Check one: No. Yes.
- F. Need for turn-outs.
Check one: No. Yes, see attached sheet for PM locations.

(See Road Evaly 7-15-19, on file w/ DPW)

3. Conclusions/Recommendations per AASHTO. Check one:

- The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.
- The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a *Neighborhood Traffic Management Plan* is also required and is attached.)
- The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

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

See Road Evaluation dated 7-15-2019

Kimberly D. Preston
Signature of Civil Engineer

5-18-2021
Date



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

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Water Resource Protection Plan for APN 317-033-006

Humboldt County



Submitted to:

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

Prepared by:

*Claire Brown & Prairie Moore
Natural Resources Management Corporation
1434 3rd Street
Eureka, CA 95501*

May 27, 2017



March 12, 2019

Re: Differences between WRPPs and Plot plans/ COPS Plans

To whom it may concern,

The purpose of this letter is to address any differences between the WRPP and the Plot Plan/ COPS Plan for this project. WRPPs were written for the Regional Water Board enrollment, they reflect what we saw on the ground during the site visits that took place in 2016 and 2017. At many sites there have been changes to square footage, location, and practices over the last 3.5 years as the site go through the compliance process. Depending on when it was written the WRPP does not always reflect those changes or take into account recent future plans.

On July 1, 2019 the Regional Order will close and all enrollees will have to be transitioned into the State Water Board Order. WRPPs will be a thing of the past. As sites transition to the State Water Board Order, they will instead need Site Management Plans (SMP) which are different than WRPPs. In the interest of both time and cost efficiency we have decided that instead of updating WRPPs as changes are made, we will instead incorporate those changes into the SMP.

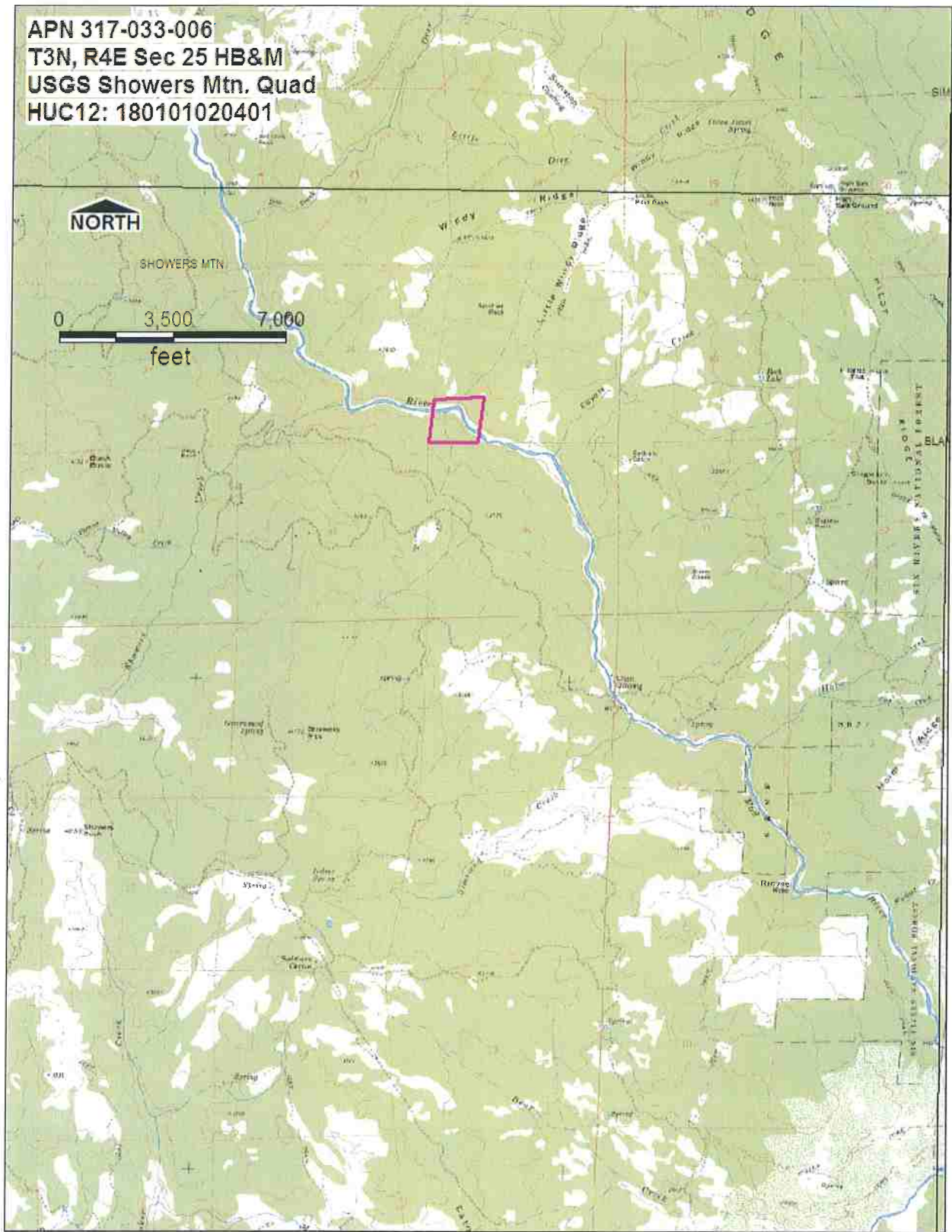
Please contact me if you have any questions,

Sincerely,



Prairie Moore
President
Natural Resources Management Corporation
707-442-1735
pmoore@nrmcorp.com

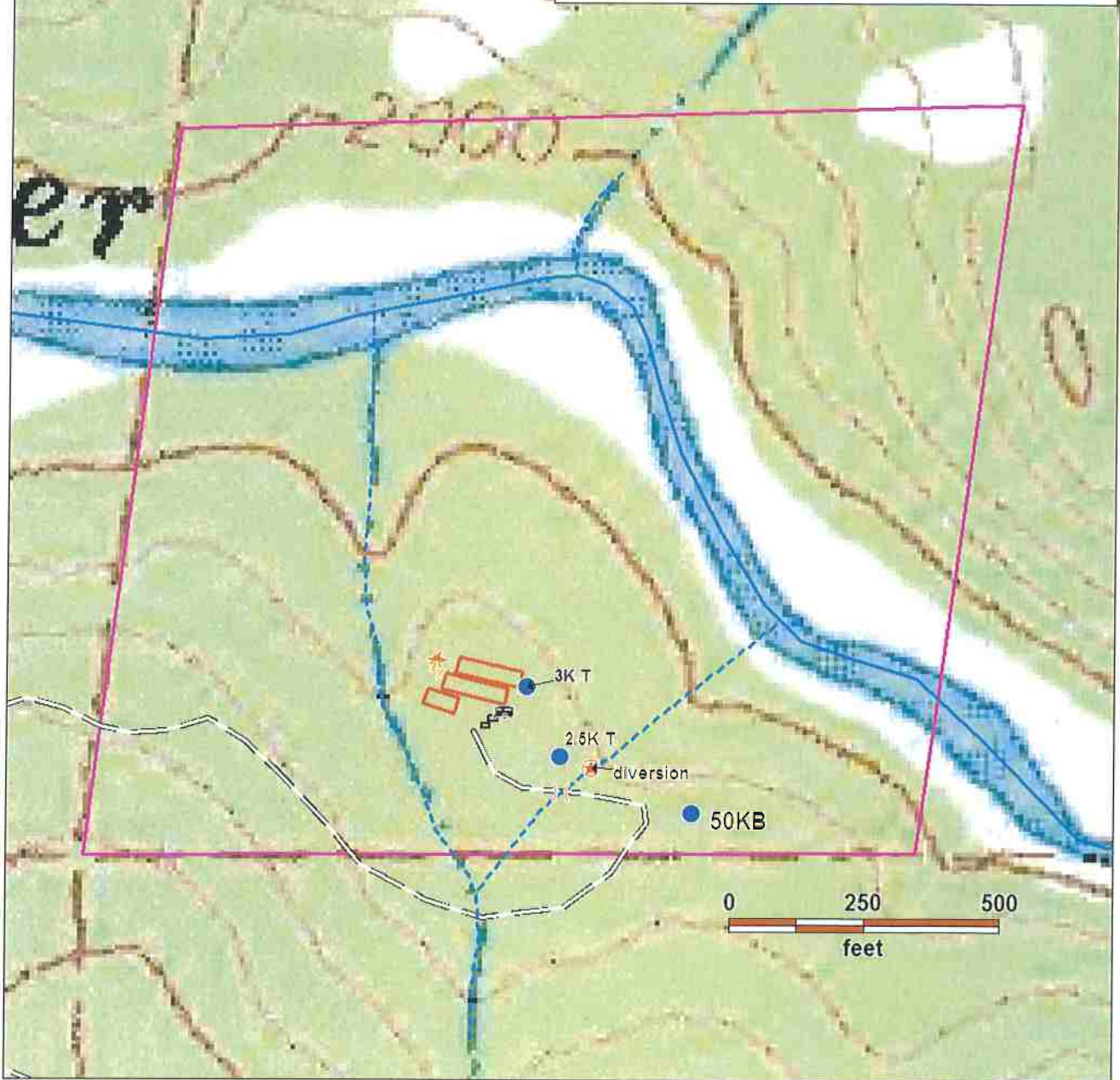
Figure 1. Site Maps for Parcel



APN 317-033-006
 T3N, R4E Sec 25 HB&M
 USGS Showers Mtn. Quad
 HUC12: 180101020401



- | | |
|---|---|
|  Hoop House |  Dirt Road |
|  Processing/Storage |  Class 2 |
|  Water Storage Tanks |  Class 1 |
| 10K TF = 10,000g Tank Farm |  Spoils Pile |
|  Natural Crossing |  Trailer |
| |  Water Diversion |



APN 317-033-006
 T3N, R4E Sec 25 HB&M
 USGS Showers Mtn. Quad
 HUC12: 180101020401

NORTH

- | | | | |
|---|----------------------------|---|-----------------|
|  | Hoop House |  | Dirt Road |
|  | Processing/Storage |  | Class 2 |
|  | Water Storage Tanks |  | Class 1 |
| | 10K TF = 10,000g Tank Farm |  | Spoils Pile |
|  | Natural Crossing |  | Trailer |
| | |  | Water Diversion |



Water Resource Protection Plan

This document serves as the water resource protection plan for site APN 317-033-006 pursuant to Order No. R1-2015-0023. On August 13, 2015, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted a General Waiver of Waste Discharge requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region, Order No. R1-2015-0023. One of the requirements of the order is to prepare a Water Resource Protection Plan (WRPP) for all sites that are enrolled under Tier 2 of the order.

Site Assessment

Landowner bought this parcel in 2016. It was in the past in the ownership of a private industrial timberland company. The parcel contains a section of the Mad River as well as sections of two class 2 stream channels. Water for cultivation is diverted from one of these unnamed class 2 channels (see Site Maps). Fish & Wildlife will require a 1600 permit for the diversion, storage, and use of this system.

The landowner currently has 60,500 gallons of water storage on the parcel to address the non-diversion period of May 15 to October 31st. This 60,500 gallons of water is used to irrigate three hoop houses. Two of these measure 30ft x 125ft and the third measures 30ft x 60ft. On average, plants are hand watered every two days. This changes slightly with the changing weather conditions. In 2016, the owner had 8,200 square feet of cultivation. For the 2017 grow season, the land owner has removed one full sun cultivation area, bringing his total square feet down to 6,650 of mixed light.

Current Conditions Please refer to Figure 1, Site maps

Watercourses

Two unnamed class two stream channels drain into the Mad River as it flows through this parcel the section of Mad River on this parcel is shown to have summer-run of steel head trout, as seen on the CNDDDB. All cultivation activity is located 186 feet or more from any watercourses.

Watercourse Crossings

Currently the access road for the cultivation area crosses the Eastern class two channel at a wet crossing with no culvert. The ingress and egress of this crossing are very shallow, preventing the installation of a culvert. While running Culvert Q, we determined the drainage area is 103 acres. Depending on the headwall height, it suggests that a 48" or 54" culvert be installed.

Roads

There is very little road on this parcel. The road enters the property from the South west corner of the property, then leaves the property for a short distance, then comes back onto the property. Where the road first enters the property, is a steep pitch, however the road is decent condition. Where the road enters the property for the second time, it becomes very flat. Once on the property for the second time road crosses a wet crossing before stopping at the cultivation area.

Flats

The landing has been graded for a slope of less than five percent. This flat appears to be an old landing for the logging days. It seems that the flat was graded on a small ridge top that now sits slightly below the natural topography of the area. The landing has berms around the landing, which minimize any delivery potential as well as any erosion potential. Natural slopes in the area tend to be above 35%. There is a small swath of land in line with the flat that averages around 5 to 10% slope.

General Property Conditions

This parcel was previously owned by an industrial timber company and was purchased in 2016. The main access road on this parcel has no culverts but currently has a wet crossing that will be remediated through the 1600

process. There was one trailer on the property for workers to live in. There were also two adjacent car ports used for storage of nutrients and petroleum products. The site had a fair amount of trash scattered throughout the workspace. Also, noteworthy, there were a fair amount of gas cans scattered on the property that we not properly contained. The condition of the property meets many but not all standard conditions.

List of Chemicals Stored Onsite & Information about Use

Landowner uses organic products such as Bud Candy™ as well as Calcium and Magnesium supplements.

For future compliance, a log of nutrient use stating type of nutrient/amendments being added with stated NPK ratios (where available) will be provided to the client to track and monitor the amounts used and applied over the growing season. This monitoring log will be kept onsite for future reference and documentation of nutrient applications.

Water Use

The total estimated water usage for the 8, 200 square foot cultivation area in 2016 is 66,400 gallons from June to October. The monthly gallon totals (starting for June) are as follows: 12,000; 13,000; 15,400; 15,000; and 11,000.

The 2016 water storage capacity on the parcel was 5, 500 gallons. For the 2017 growing season, a 50,000-gallon bladder and two 2,500 hard sided tanks have been installed on the property to address the water needs of cultivation over the non-diversion period from May 15th to October 31st. This bring the total water storage capacity to 60,500 gallons. For the 2017 growing season, the cultivation space has been reduced by 1,550 square feet. Using the water rates for the 2016 growing season, we estimate that a total of roughly 54,000 gallons will be used in the 2017 season. The point of diversion (POD) listed in the 1600 permit is located in the more eastern class 2 channel, just north of where the channel crosses onto the parcel. A screened 2” diameter intake diverts water via gravity feed into the storage bladder and tank. There is no diversion of water from the Mad River.

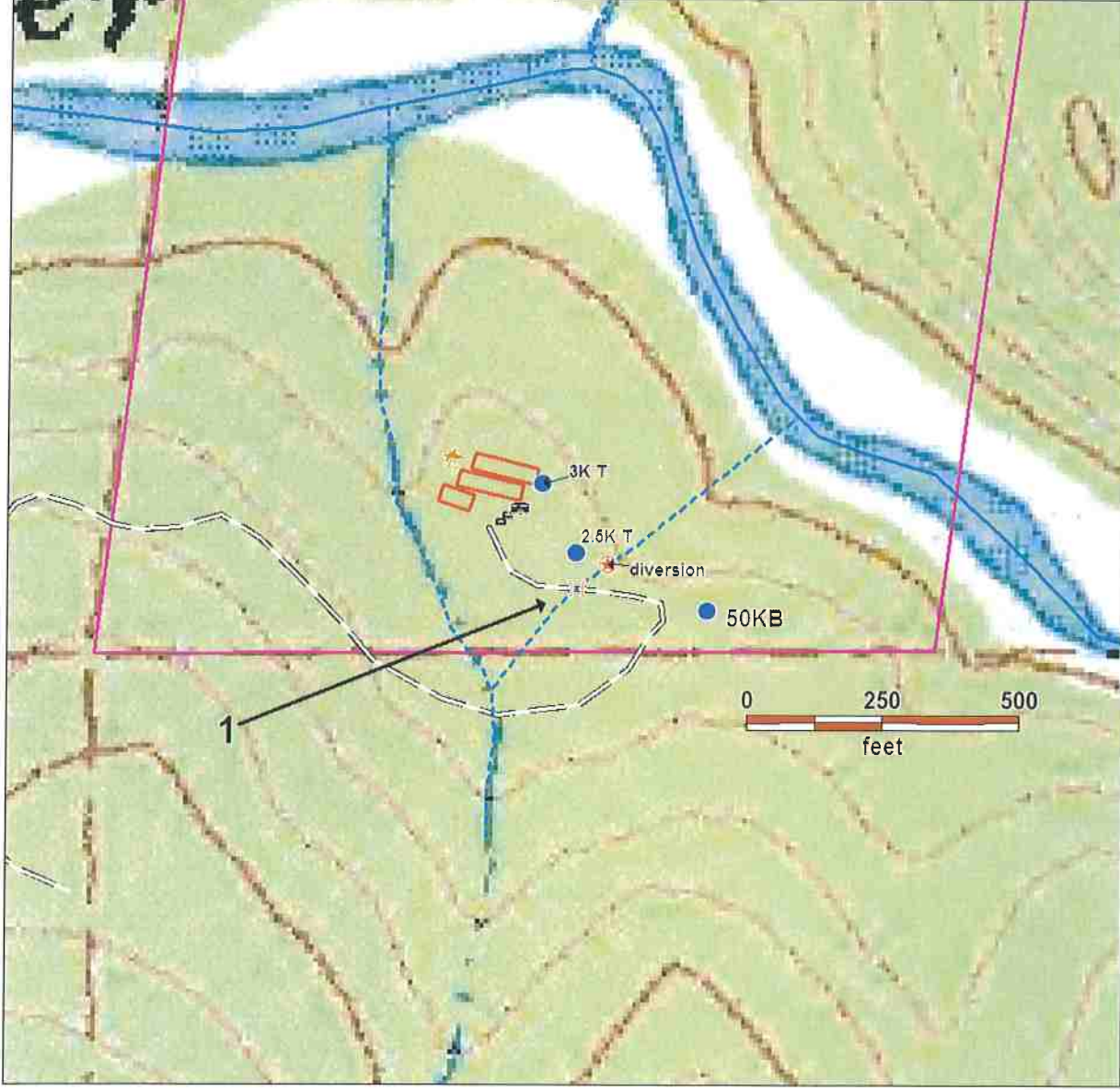
For future compliance, **water meters will be used** to quantify water use to storage and irrigation.

Figure 2 Corrective Actions Map

APN 317-033-006
 T3N, R4E Sec 25 HB&M
 USGS Showers Mtn. Quad
 HUC12: 180101020401



 Hoop House	 Dirt Road
 Processing/Storage	 Class 2
 Water Storage Tanks	 Class 1
10K TF = 10,000g Tank Farm	 Spoils Pile
 Natural Crossing	 Trailer
	 Water Diversion



Corrective Actions Please refer to Figure 2, Corrective Actions map

Table 1. Features that need improvement. See Appendix B for Associated Standard Conditions (A.S.C.)

Unique Map Points	Map Point Descriptions	A.S.C	Temporary BMP	Permanent BMP (Best Management Practices)	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
1	Wet Crossing	2. d	Minimize driving	Install steel plate “bridge”	3	May 15,2018	
2	Trash	10	N/A	Remove all trash	3	November 15, 2017	
3	Petroleum products	9. b	N/A	Install secondary containment	3	November 15, 2017	

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

- 1) There is one wet crossing on the parcel. This is going to be remediated by using a 1” steel plate as a seasonal “bridge” structure. The steel plate will be removed annually prior to the start of the rainy season, by November 15. It will be placed prior to the start of the cultivation period in mid may.
- 2) There were various small piles of trash throughout the property. These piles will be removed as soon as possible, but no later than the start of the rainy season, November 15, 2017.
- 3) The work space contained various small gas cans. Most of them were being stored in one of the onsite carports, however there were a few that were not housed there at the time of inspection. Some form of secondary containment will be installed to contain the total volume of gas on site.

Additionally, water meters will be used to quantify water use to storage and irrigation. A photo of the meter reading will be taken on the 1st of each month to document water use.

And a **log of nutrient use** stating type of nutrient/amendments being added with stated NPK ratios (where available) will be provided to the client to track and monitor the amounts used and applied over the growing season. This monitoring log will be kept onsite for documentation and referencing of nutrient applications.

Winter Site Preparation

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

- Soil used in cultivation will be piled and covered underneath hoop houses
- Cannabis stems and root balls will be piled and burned
- All nutrients, fuels, and other chemicals will be placed in the carports in secondary containment

- All cultivation trash and debris will be properly disposed of
- The steel plate bridge will be removed and relocated to a secure location

Monitoring element to ensure that BMPs are being implemented and to evaluate their effectiveness

Corrective Action Monitoring

Items 1-3 will be checked for competition by NRM prior November 15, 2017 and May15, 2018. These corrections will be photo documented.

Annual Monitoring

Fall / Winter Monitoring

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

Each monitoring session the following items will be inspected:

1. Pumps, nutrients, fertilizers, and any petroleum products are stored in a dry, enclosed location.
2. Soil and any spoils are properly contained and covered to prevent nutrient leaching.
3. Steel plate bridge removed

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

Growing Season Monitoring

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

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

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

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

Annual monitoring reports will be submitted annually by March 31st of each year to the Water Board. The report will include the Appendix C reporting form in the Water Quality cannabis order.

Water Resource Protection Plan

Name of Legally Responsible Person (LRP) _____

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

Signature: _____ Date: _____

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

Date: _____

NRM Signature: _____

Appendix A. Photo Documentation Photos taken September 7, 2016



Wet Crossing (Corrective action 1)



Trash piles to be disposed of (Corrective action 2)



Small portion of the cultivation area, with gas cans to be properly stored. What appears to be large soil piles are actual rock from the flat being graded.



spoils piles at the end of the 2016 growing season to be covered.



Carport storage with trash outside to be cleaned up.

Appendix B. Associated Standard Conditions

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

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

A. Standard Conditions, Applicable to All Dischargers

1. Site maintenance, erosion control and drainage features

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

2. Stream Crossing Maintenance

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

3. Riparian and Wetland Protection and Management

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

4. Spoils Management

- a. Spoils shall not be stored or placed in or where they can enter any surface water. Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

5. Water Storage and Use

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

6. Irrigation Runoff

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

In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and

other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing offstream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

7. Fertilizers and Soil Amendments

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

8. Pesticides/Herbicides

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

9. Petroleum products and other chemicals

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

- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

10. Cultivation-related wastes

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

11. Refuse and human waste

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

12. Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outsloping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and, for such projects, these conditions apply similarly.



October 5, 2021

To whom it may concern:

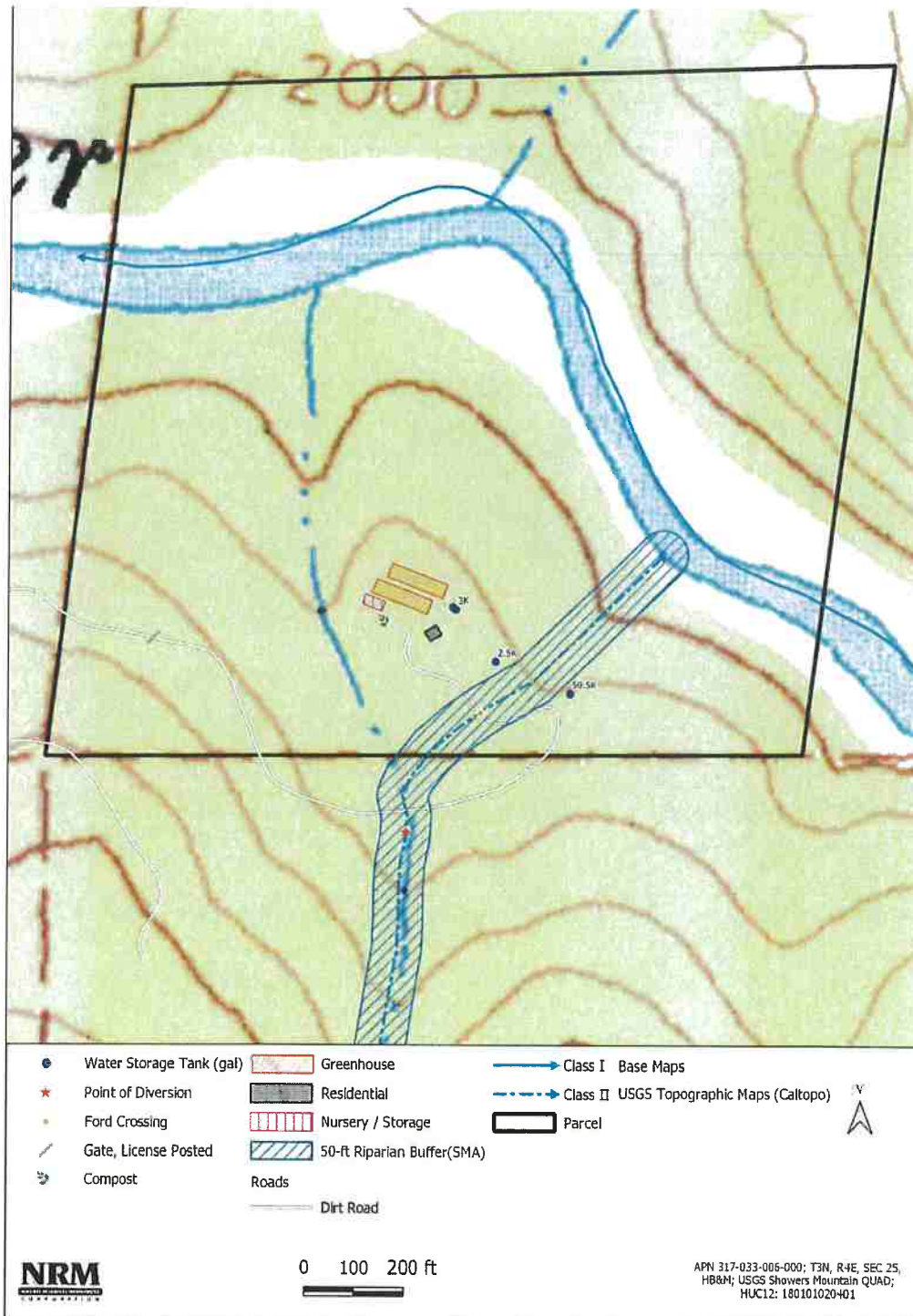
NRM Staff investigated the locations, classifications, and buffer areas surrounding the watercourse on Humboldt APN 317-033-006-000 on September 23, 2021. The result of this investigation revealed a Class II watercourse with intermittent flow. The channel was dry at the time of observation but showed clear signs of recent streamflow. The investigation also revealed an older inactive channel that had several inches of duff and leaf litter accumulated within the former channel alignment that shows no evidence of recent sediment transport or surface flow. This older historical channel follows the alignment shown on the USGS Topo maps and County GIS layers. The old alignment appears to have been cut off by an old landslide along the southern property line. Judging by the size of the trees growing on this feature it is estimated to have blocked flow to the old channel alignment 30-50 years ago.

There was little indication of a riparian corridor along the active channel alignment. A single Oregon Ash tree growing in the understory was located approximately 20-25 feet from the channel margin, but this tree was still over 100 horizontal feet to the southeast of the Cabin and other infrastructure. Big Leaf Maples were also present on the property but their distribution frequency near the channel appeared no different from their distribution frequency elsewhere on the property, so they were not considered riparian.

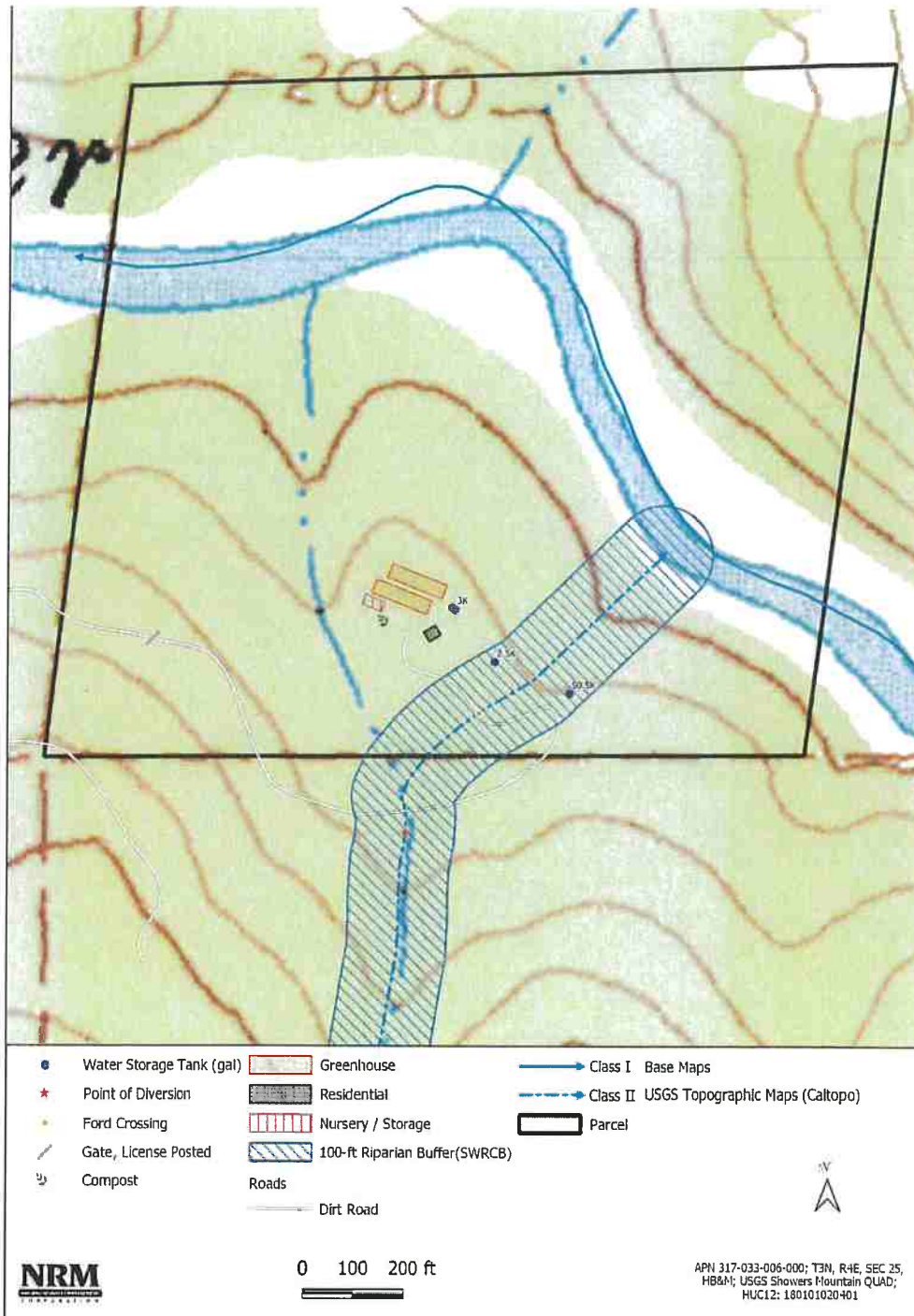
Based on these findings new maps were made that show the Humboldt County Streamside Management Areas and approximate State Water Resources Control Board riparian buffers. The residential cabin and greenhouses were ground verified to be outside of both overlapping sets of riparian buffers. Maps are included on the following pages to show the relationship between the watercourse buffers and the existing infrastructure.

Sincerely,

Davin Peterson



Map 1. Humboldt County SMA on APN 317-033-006-000.



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	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CalFIRE	✓	Comments	Attached
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band THPO	✓	Comments	On file and confidential
Humboldt County Sheriff	✓	Approved	On file
Bridgeville Fire Protection District		No Response	
Maple Creek School District		No Response	
California Department of Fish & Wildlife		No Response	
Bridgeville School District		No Response	
Humboldt County Agricultural Commissioner		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Humboldt County Counsel		No response	

Trees/Deem

4/20



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

1/12/2021

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, Environmental Health, Sheriff, PW Land Use, Building Inspections, FPD; Bridgeville, RWQCB, School District: Bridgeville, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Bear River Band, NWIC, School District: Maple Creek

Applicant Name Otto Farms LLC **Key Parcel Number** 317-033-006-000

Application (APPS#) PLN-12768-SP **Assigned Planner** Megan Acevedo

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: 1/27/2021

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

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

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

Other Comments: See Building Dept Comments

DATE: 4-27-21 PRINT NAME: Ross Eskig



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: PLN-12768 APN: 317-033-006-000

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

Site plan appears to be accurate.

Site plan is not accurate, submit revised site plan showing the following items:

All grading including ponds and roads,

Location of any water course including springs,

All structures including size and use and all setbacks from each other, above stated items, and property lines.

Existing operation appears to have expanded as follows: _____

Proposed new operation has already started.

Development is near a wet area. If yes, distance from development: _____

Development is near a Steam side Management Area (SMA). If yes, distance from development: _____

Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.

Other Comments: Water tanks in place of 50K bladder.

Name: Ross ESKA

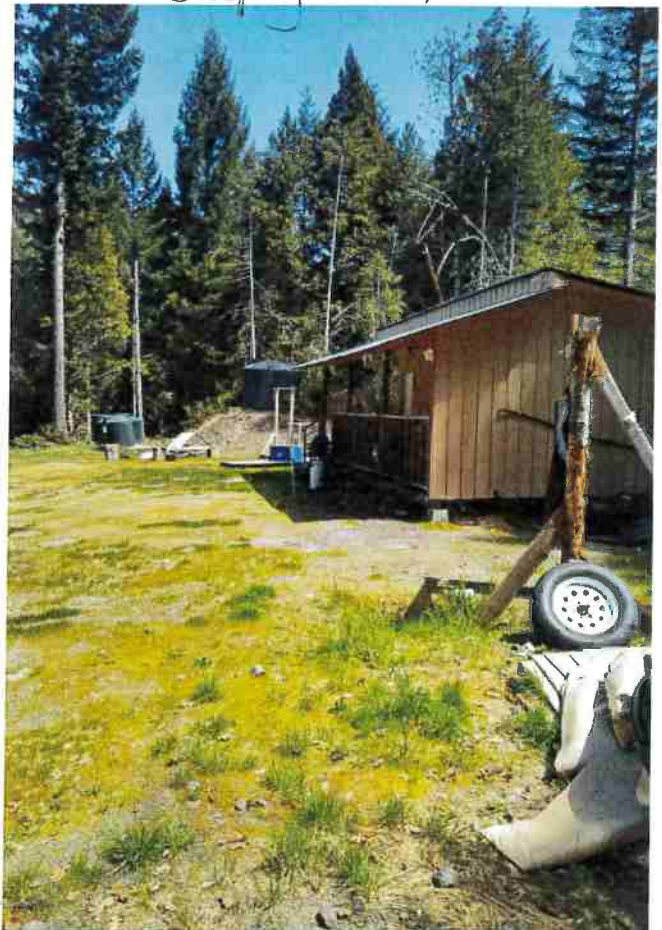
Date: 4-27-21

Note: Please take photographs and save them to the Planning Accela record number. Updated 1/21

2 x 30' x 130' GHs



Sleeping Cabin



2 x 30' x 130' GHs



Sleeping Cabin



Water tanks in place of 50K Bladder



30x60 6H 1cft



PLN-12768-SP **STATUS** **LOCATION** **CONTACT** **WORKFLOW**
 Otto Farms LLC - ... > In Referrals > None Provided > OpenRoad Ag... > 15 total Task
 Otto Farms, LLC is... 01/12/2021 by...

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (2)

Payment

Workflow History (18)

Comments (4)

Documents (34)

Conditions of Approval (0)

Cancel

Help

Task
Environmental Health

Due Date
01/27/2021

Assigned Date
01/14/2021

Assigned to Department
Environmental Health

Assigned to
Adam Molofsky

Status
Approved with Conditions

Action by Department
Environmental Health

Action By
Adam Molofsky

Status Date
01/15/2021

Start Time

End Time

Hours Spent
0.0

Billable
No

Overtime
No

Comments
Seasonal cultivation without processing may use portable toilets to serve the operation. Permittee shall provide portable toilets to cultivation areas meeting appropriate setbacks, or install a permitted septic system associated with a permitted structure.

Time Tracking Start Date

Est. Completion Date

In Possession Time (hrs)

Display E-mail Address in ACA Display Comment in ACA

Comment Display in ACA

All ACA Users

Record Creator

Licensed Professional

Contact

Owner

Estimated Hours
0.0

Action
Updated

Workflow Calendar



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

ON-LINE
 WEB: CO.HUMBOLDT.CA.US

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

LAND USE	445-7205
----------	----------

TO: Megan Acevedo, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 01/25/2021

RE:

Applicant Name	OTTO FARMS LLC
APN	317-033-006
APPS#	PLN-12768-SP

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation, stamped received by the Humboldt County Cannabis Services on December 31, 2019. The road evaluation did not include the required Road Evaluation Report Form developed by the Department. Once the form is submitted please re-refer the Department for comment.

// END //



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

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


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

ON-LINE
WEB: CO.HUMBOLDT.CA.US

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
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ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Megan Acevedo, Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer 
DATE: 10/29/2021

RE:	Applicant Name	OTTO FARMS LLC
	APN	317-033-006
	APPS#	PLN-12768-SP

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:

Previously the Applicant submitted a road evaluation, stamped received by the Humboldt County Cannabis Services on December 31, 2019. The road evaluation did not include the required Road Evaluation Report from developed by the Department. The Applicant has since submitted the County Forms stamped received by Humboldt County Cannabis Services on August 17, 2021 with Part A –Box 3 and Part B #3 checked, certifying that the roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the submitted report are completed. It appears that the Engineer did not separate Stapp Road into two evaluations as the County only maintains 3.25 miles. In addition, Showers Pass Road is County maintained.

The Department requires all recommendations from engineer on both access roads to be completed.

Whether specifically addressed or not within the road evaluation report, per Section 1273.03 of State Fire Safe Regulations, California Code of Regulations (CCR), Title 14 Natural Resources, Division 1.5 Department of Forestry, Chapter 7 - Fire Protection, Subchapter 2 SRA Fire Safe Regulations, which have been established pursuant to California Public Resource Code Section 4290 et seq. (a) *At no point shall the grade for all roads and driveways exceed 16 percent;* (b) *The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect. Mitigation measures other than paving require an exception to be approved per Section 1270.06.* [Note: Fire Safe Regulations set forth in County Code Section 3111-1, et seq. have been superseded by the 01/01/2020 CCR since County Code has not been recertified by the Department of Forestry pursuant to Section 1270.04.]

// END //

Public Works Recommended Conditions of Approval

(All checked boxes apply)

COUNTY ROADS- PROXIMITY OF FARMS:

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

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. Applicant must apply for and obtain an encroachment permit from 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 (or to break in slope) where it intersects the County road.
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 where it intersects the County road.
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. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing intersection culverts; minimum size is typically 18 inches.

- 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 (or break in slope) 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: