



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: April 15, 2021

To: Humboldt County Planning Commission

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

Subject: **JMP Ranch, LLC, Conditional Use Permit**
Record Number: PLN-10678-CUP
Assessor's Parcel Number (APN): 314-193-008
Kneeland area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Topo Map	11
Zoning Map	12
Aerial Map	13
Plot Plan: Existing Cultivation Area	14
Plot Plan: Proposed Cultivation Area	15
Attachments	
Attachment 1: Recommended Conditions of Approval	16
Attachment 2: CEQA Addendum	24
Attachment 3: Applicant's Evidence in Support of the Required Findings	29
A: Site Management Plan	Separate
Attachment 4: Referral Agency Comments and Recommendations	54

Please contact Jenifer King, Planner, at 360-647-8320 or by email at jenifer.king@aecom.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 15, 2021	Conditional Use Permit	Jenifer King

Project Description: A Conditional Use Permit to operate an existing 21,000 square feet of mixed-light cannabis operation during the 2021 growing season. The proposed project includes replacement of the existing hoop houses with a 27,000 square-foot greenhouse that provides 22,000 square feet of mixed light cultivation area, 4,500 square feet of nursery space, and 500 square feet of agricultural chemical storage by the 2022 growing season. The 4,500-square-foot propagation area would accommodate 2,200 square feet of propagation area that would be authorized by this permit. Cultivation activities extend from March to October. There will be two harvests annually. Irrigation water is sourced from an existing 400,000-gallon off-stream pond. There is a total of 435,000 gallons of water storage in the pond and a series of hard-sided tanks. Estimated annual water usage is 243,750 gallons. Drying, harvest storage, processing, and packing will occur onsite in a proposed 2,500-square-foot metal barn. A maximum of 10 employees may be utilized during peak operations. Power will be provided by two generators.

Project Location: The project is located in the Kneeland area, on the north side of Mountain View Road, approximately 3.8 miles east from the intersection of Kneeland Road and Mountain View Road, on a property known to be in the west half of Section 18, Township 04 North, Range 03 East, H. B. & M.

Present Plan Land Use Designations: Timberland (T) Density: forty to one hundred sixty acres per dwelling unit, Slope Stability: High instability (3).

Present Zoning: Timber Production Zone (TPZ)

Record Number: PLN-10678-CUP

Assessor's Parcel Number: 314-193-008

Applicant:

JMP Ranch, LLC
John Pelka
920 Samoa Boulevard, Suite 219
Arcata, CA 95521

Owner:

John Pelka
920 Samoa Boulevard, Ste 219
Arcata, CA 95521

Agent:

Mother Earth Engineering
425 I Street
Arcata, CA 95521

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.

JMP Ranch, LLC
Record Number: PLN-10678-CUP
Assessor's Parcel Number: 314-193-008

Recommended Commission 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 Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the JMP Ranch, LLC, project as recommended by staff subject to the recommended conditions.

Executive Summary: JMP Ranch, LLC, seeks a Conditional Use Permit to operate a proposed 22,000 square feet (SF) of mixed-light cultivation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timber Production Zone (TPZ). The site is currently developed with agricultural accessory structures. Cultivation currently occurs in 14 existing 1,500-square-foot hoop houses located in the central area of the property north of a Class II intermittent watercourse. A total of 3,000 SF of immature plant propagation area occurs in two (2) existing hoop houses adjacent to the existing cultivation areas. Two harvests are anticipated during the 2021 growing season that extends from March through October.

The proposed project includes replacement of the 14 existing hoop houses and 2 existing immature plant propagation hoop houses with one (1) 27,000-square-foot greenhouse that consists of a 22,000 square-foot mixed-light cultivation area, a 4,500-square-foot of nursery space, and a 500 square-foot agricultural chemical storage by the 2022 growing season. The 4,500-square-foot propagation area would accommodate 2,200 square feet of propagation area that would be authorized by this permit. Two harvests are anticipated annually during the growing season and annually that extends from April through October.

Drying, harvest storage, processing, and packing will occur onsite in a proposed 2,500-square-foot metal barn. A maximum of 10 employees may be utilized during peak operations. Power will be provided by one (1) Whisperwatt DC70USI 65-kilowatt generator and one (1) Honda EU2000i generator. The operation will be secured behind a gated road and remote motion sensors are in place to detect unexpected vehicles. Additional security measures include camera surveillance systems, alarms, and locked structures with access controls.

Water for irrigation is provided by a 400,000-gallon off-stream pond near the southeastern corner of the parcel. Additional water storage onsite includes two (2) existing 2,500-gallon in high-density polyethylene (HDPE) water storage tanks and six (6) proposed 5,000-gallon HDPE water storage tanks for a total of 435,000 gallons of water storage. Estimated annual water usage is 243,750 gallons (11.1 gal/SF). Peak demand occurs in August at approximately 40,000 gallons. Irrigation water will be applied at agronomic rates through a traditional drip irrigation system and hand watering to minimize over watering and reduce the risk of irrigation runoff.

The Plot Plan shows one Class II intermittent watercourse, which flows from north to south on the eastern portion of the parcel, with associated 100-foot Streamside Management Area (SMA) buffers. All current and existing development including the cultivation and associated structures are located outside the SMA buffers. A Site Management Plan (SMP) was prepared in August of 2020 by Mother Earth Engineering (see Attachment 3) that includes recommended best practices for erosion control and water quality protection consistent with the SWRCB Cannabis General Order WQ2019-0001-DWQ. The SMP identified

nine (9) sites requiring remediation work including implementing all erosion control measures; applying seed and mulch to exposed soil; and installation of rolling dips, fiber rolls, rock dips, and rock armoring by winter of 2021. The project is conditioned to implement all requirements of the SMP upon issuance of the project permits. The Applicant is enrolled in the SWRCB General Order (WDID 1_12CC426314) (Attachment 3).

A search of CNDDDB biological resources database was performed on November 2, 2020. No special-status species have been documented on the project site. The nearest known Northern spotted owl (NSO) activity center greater than 0.5-mile north of the cultivation site; therefore, the cultivation site may provide suitable foraging habitat. The project proposes mixed-light cultivation and is conditioned to ensure any lighting adheres to Dark Sky Association standards. The project is conditioned to refrain from using synthetic netting, to ensure refuse is contained in wildlife-proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife.

Power will be provided by one (1) Whisperwatt DC70USI 65 kW generator and one (1) Honda EU2000i generator. Manufacturer's specifications of the Whisperwatt generator model is rated to be 60 dBA at a 30 feet distance, and the generator is over 600 feet from the property line. The Whisperwatt generator is enclosed in weather resistant steel housing that provides further noise attenuation. The Honda EU2000i generator models are compact generators with a manufacturer's specifications of 53 dBA at one-quarter load. Performance standards for noise are set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 314-55.4.11(o) Humboldt County Code which states noise levels shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS).

The Humboldt Bay Municipal Water District (HBMWD) submitted referral comments on October 29, 2018. The HBMWD expressed concerns related to potential risks to fish and wildlife, the location of the off stream pond, and clearing of timber in a TPZ zone to support expanded cultivation activities. In addition, HBMWD stated that the project is subject to CEQA review and stated that as required under CEQA, the County must consider the cumulative impacts (i.e., the impacts of past, present, and future projects) to the Mad River from water appropriation to support numerous cultivation operations. As stated above, all project cultivation and associated structures are located outside the SMA buffers and the project applicant will implement best practices for erosion control and water quality protection consistent with the SWRCB Cannabis General Order and requirements to protect biological resources consistent with County CMMLUO standards. In addition, no additional timber conversion would occur. Furthermore, the purpose of the CMMLUO is to require existing operations to come into compliance and begin work to secure all necessary permits adopted for regulating commercial cultivation of cannabis. Environmental review for this project was conducted as required by CEQA and County staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the CMMLUO (see Attachment 2).

A total of 3.9 acres of timber conversion has occurred on the project site: 1.0 acre was converted between 2010 and 2012 for the current cultivation area and 2.9 acres of timberland was converted in 2015 for a proposed homesite, pond, and new road in the southern portion of the project site. Therefore, all timber conversion occurred before January 1, 2016 (i.e., the established CEQA baseline for CMMLUO). A Less than 3 Acre Conversion Exemption was prepared in August 2015 for conversion that occurred in the southern portion of the project site (see Attachment 3). The Conversion Exemption noted that the parcel consisted of a matrix of tanoak, madrone and second growth Douglas fir. The area was cleared and remains as two graded undeveloped flats. Cal Fire accepted the Conversion Exemption on August 11, 2015 (Exemption No. 1-15EX-259-HUM) (see Attachment 3). Cal Fire required that all untreated slash piles and log decks be treated to be in compliance with the California Forest Practice Act which is included in the Conditions of Approval. A Less than 3 Acre Conversion Exemption was not prepared for timber conversion that occurred on the cultivation site between 2010 - 2012. The project is conditioned

to require the applicant/owner to hire a registered forester to evaluate the impacts of timber conversion of the cultivation area and implement recommendations of the registered forester to bring the site in compliance with the California Forest Practice Act as applicable once the area is evaluated.

Additional measures that would also protect biological resources are identified in the SMP prepared for the project and include drainage, runoff, and erosion control; watershed and habitat protection measures; and proper application, storage and disposal of fertilizers, pesticides, herbicides, and petroleum products. The project has a dedicated shed for fuel and nutrients near the cultivation area, as shown on the Plot Plan Map for Phase 1. Per the SMP, fertilizers, pesticides, and herbicides are applied at agronomic rates specified on the product label and the applicant keeps a log of their fertilizers, pesticides and herbicides use for annual reporting to the SWRCB. No trash or debris will be allowed to enter a watercourse or riparian setback area. The location of compostable cultivation waste is stored in a location and manner where it cannot be transported to surface waters. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access to the site is by an Unnamed Road via Mountain View Road. Mountain View Road is included on the Approved List of County Maintained Roads that meet Road Category 4 standards for Cannabis Projects. A Road Evaluation Report as well as a Functional Capacity Study for the Unnamed Road was prepared by Mother Earth Engineering (Attachment 3) and indicates the Unnamed Road it is a privately maintained road and concludes that the roadway meets a Category 4 equivalent standard. The Department of Public Works, Land Use Division project referral requests include that all driveways and road intersections onto the County Road shall be maintained in accordance with the Sight Visibility Ordinance, and improvements to the driveway apron (encroachment) that connects to the County road (Mountain View Road) to the site entrance. The project is conditioned to comply with Public Works comment requests.

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

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

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

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

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

**Resolution Number 21-
Record Number: PLN-10678-CUP
Assessor's Parcel Number: 314-193-008**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the JMP Ranch, LLC, Conditional Use Permit request.

WHEREAS, JMP Ranch, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 21,000 square foot (SF) mixed light cannabis cultivation operation in fourteen (14) hoop houses with appurtenant propagation and drying activities during the 2021 growing season. The proposed project includes replacement of the 14 existing hoop houses and 2 existing immature plant propagation hoop houses with one (1) 27,000-square-foot greenhouse that consists of a 22,000 square-foot mixed-light cultivation area, a 4,500-square-foot of nursery space, and a 500 square-foot agricultural chemical storage by the 2022 growing season. The 4,500-square-foot propagation area would accommodate 2,200 square feet of propagation area that would be authorized by this permit. There will be two harvests annually. Irrigation water is sourced from an existing 400,000-gallon off-stream pond. There is a total of 435,000 gallons of water storage in the pond and a series of hard-sided tanks. Estimated annual water usage is 243,750 gallons. Drying, harvest storage, processing, and packing will occur onsite in a proposed 2,500-square-foot metal barn. A maximum of 10 employees may be utilized during peak operations. Power will be provided by two generators; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on April 15, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

Project Description: The application is a Conditional Use Permit to allow a Conditional Use Permit for the continued operation of an existing 21,000 square foot (SF) mixed light cannabis cultivation operation in fourteen (14) hoop houses with appurtenant propagation and drying activities during the 2021 growing season. The proposed project includes replacement of the 14 existing hoop houses and 2 existing immature plant propagation hoop houses with one (1) 27,000-square-foot greenhouse that consists of a 22,000 square-foot mixed-light cultivation area, a 4,500-square-foot of nursery space, and a 500 square-foot agricultural chemical storage by the 2022 growing season. The 4,500-square-foot propagation area would accommodate 2,200 square feet of propagation area that would be authorized by this permit. There will be two harvests annually. Irrigation water is sourced from an existing 400,000-gallon off-stream pond. There is a total of 435,000 gallons of water storage in the pond and a series of hard-sided tanks. Estimated annual water usage is 243,750 gallons. Drying, harvest storage, processing, and packing will occur onsite in a proposed 2,500-square-foot metal barn. A maximum of 10 employees may be utilized during

peak operations. Power will be provided by two generators.

EVIDENCE: a) Project File: PLN-10678-CUP

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

- EVIDENCE:**
- a) Addendum Prepared for the proposed project (Attachment 2).
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines
 - c) A Site Management Plan was prepared by Mother Earth Engineering to fulfill the State Water Resources Quality Control Board Order No. 2019-0001-DWQ.
 - d) Northern Spotted Owl habitat exists in the vicinity and the nearest activity center is over 0.5 mile from the site; however, NSO may use the area for foraging. Conditions of approval will require noise to be at below 50 decibels at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife.
 - e) A registered forester will evaluate the environmental impacts from timber conversion that occurred on the cultivation site and the project is conditioned for the applicant/owner to implement recommendations of the registered forester to bring the site in compliance with the California Forest Practice Act.
 - f) All development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife and riparian corridors as indicated by the Site Management Plan prepared by Mother Earth Engineering.
 - g) The Northwest Information Center (NWIC) noted that no cultural resources have been identified on the property. The Bear River Band of the Rohnerville Rancheria recommended the inclusion of Inadvertent Discovery Protocol, which have been included in the conditions of approval.
 - h) A Road Evaluation Report was prepared for the onsite Unnamed Road by Mother Earth Engineering in September 2020 which identified that the road is suitable for safe access to and from the project site.

FINDINGS FOR CONDITIONAL USE PERMIT

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

EVIDENCE a) According to Section 4.8 of the Humboldt County General Plan, Table 4-G, 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 timberland (T) uses. The use of old logging flats for cannabis cultivation is consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING

The proposed development is consistent with the purposes of the existing Timber Production Zone (TPZ) in which the site is located.

EVIDENCE

- a) The Timber Production Zone (TPZ) is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.
- b) All general agricultural uses are principally permitted in the Timber Production Zone (TPZ).
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 22,000 square feet of mixed-light cultivation on a 100-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 Timber Production Zone (TPZ) (HCC 314-55.4.8.2.2).
- b) The parcel known as APN 314-193-008 is comprised of one separate patent parcel dated June 24, 2019 as recorded in Assessor's Map Book 314 page 19.
- c) The project will obtain water from a non-diversionary water source. Irrigation water will be sourced from an off-stream pond.
- d) A Road Evaluation Report was completed by Mother Earth Engineering in September 2020. The Evaluation addressed access to the site by an Unnamed Road via Mountain View Road, which is a county-maintained road. The Unnamed Road it is a privately maintained road and concludes that the roadway meets a Category 4 equivalent standard. All road segments evaluated were found to be functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The project will implement all recommendations provided by the registered forester to ensure the timber conversion associated with the cultivation area complies with the California Forest Practice Act. No additional timber conversion would occur.
- g) 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, more than 300 feet from any off-site residence, more than 600 feet from any school, church,

public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 22,000 square feet of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a rainwater catchment pond.
- e) 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.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for JMP Ranch, 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

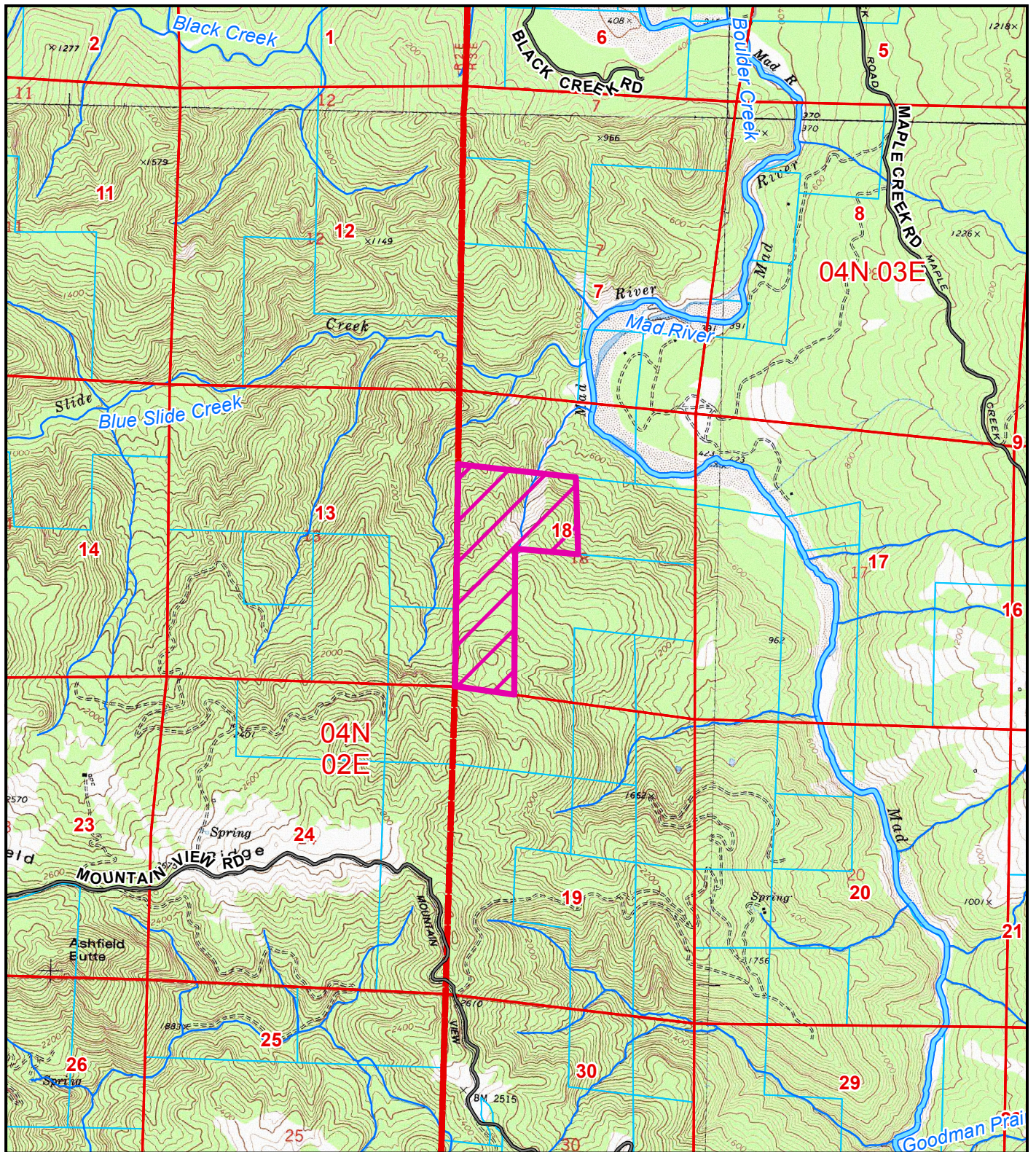
Adopted after review and consideration of all the evidence on April 15, 2021.

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

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

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

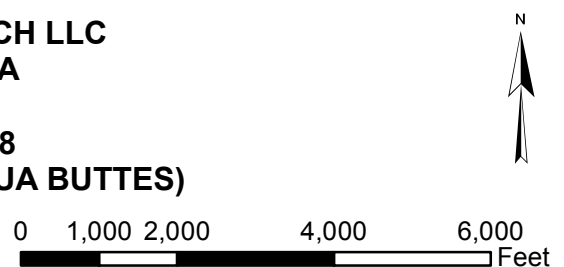
John H. Ford, Director
Planning and Building Department

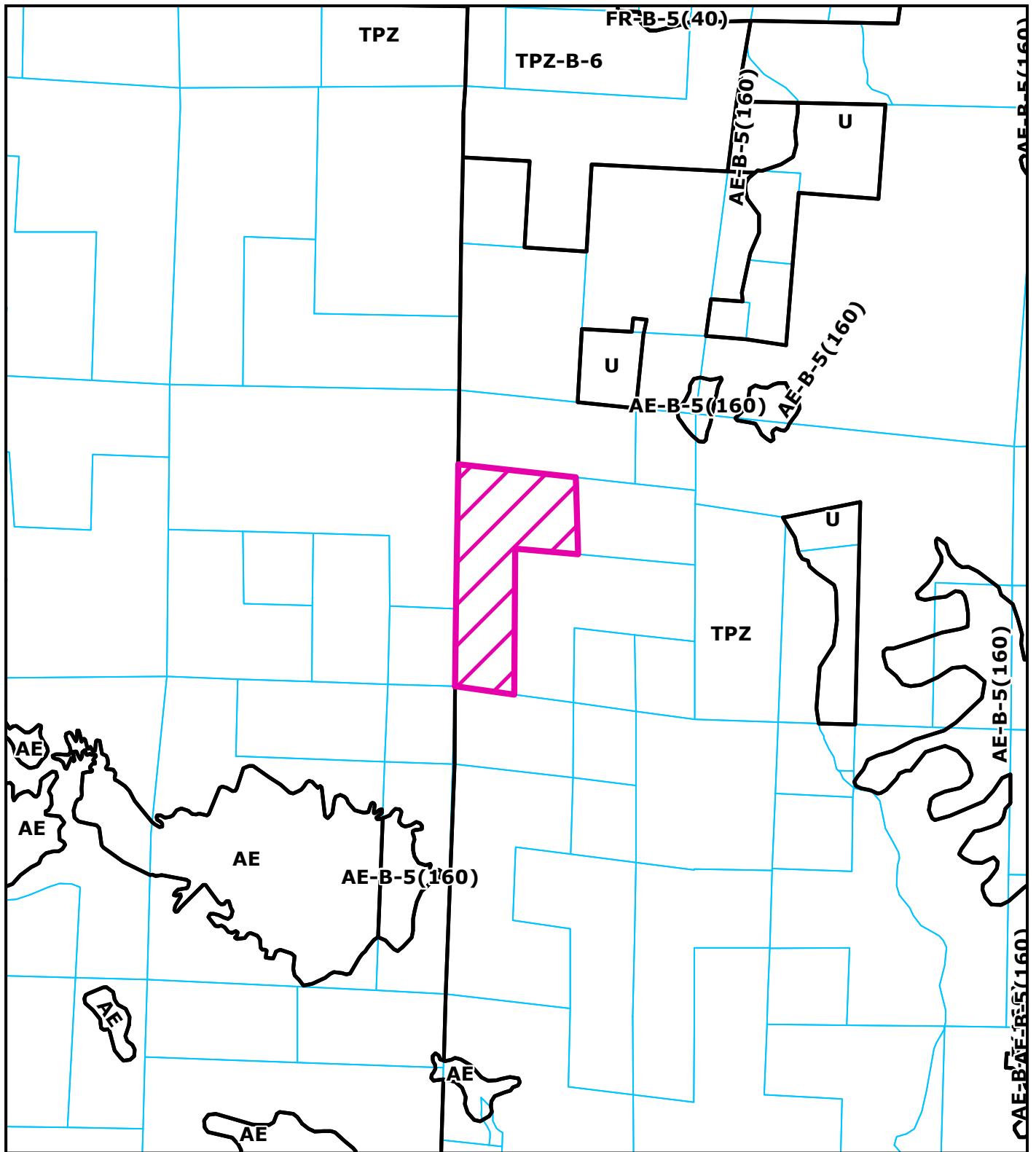


TOPO MAP
PROPOSED JMP RANCH LLC
KNEELAND AREA
CUP-16-049
APN: 314-193-008
T04N R03E S18 HB&M (IAQUA BUTTES)

Project Area = 

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

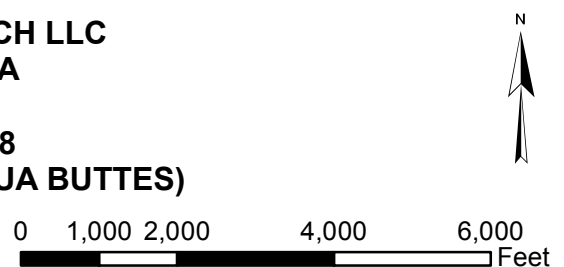


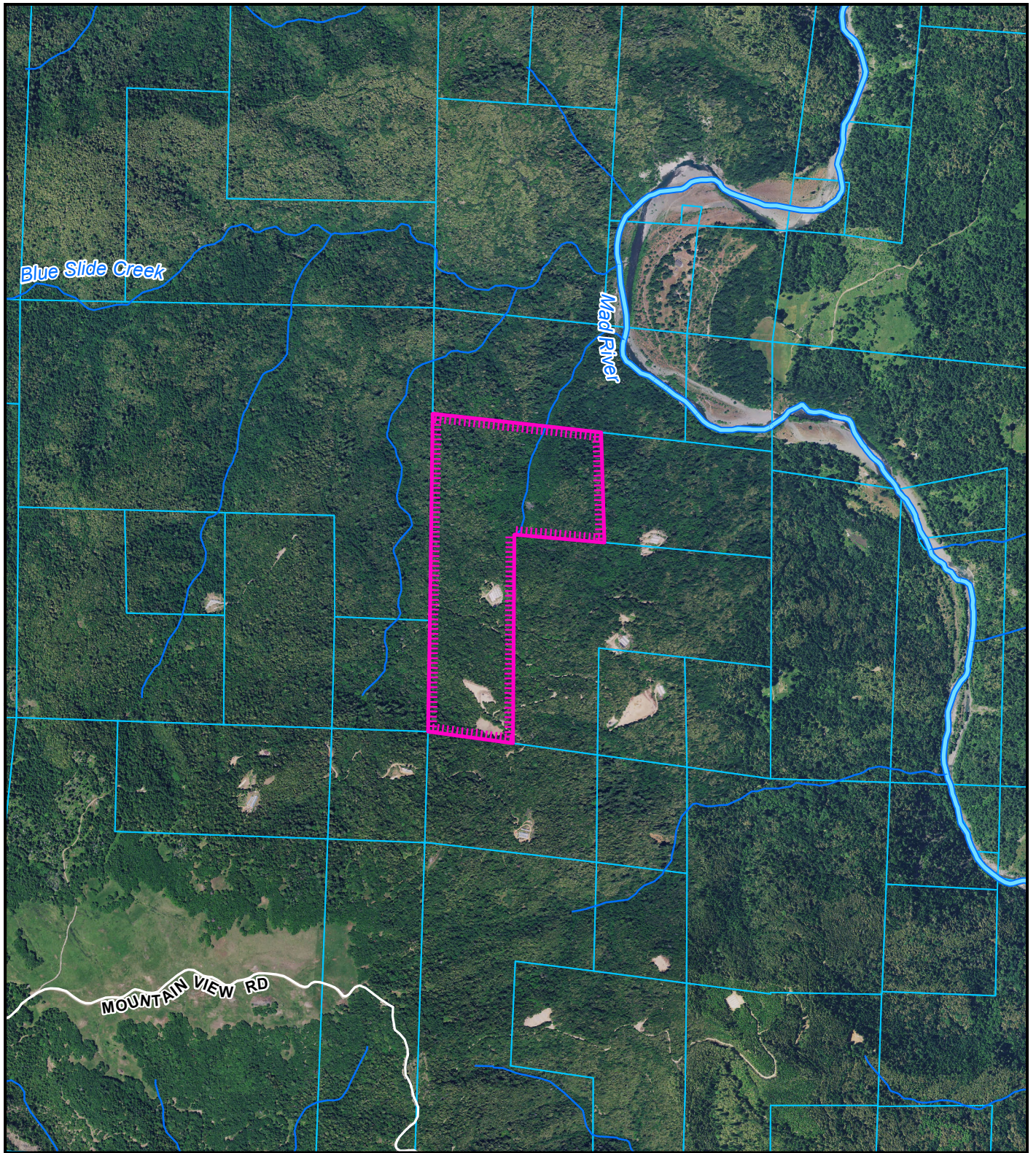


Project Area = 

**ZONING MAP
PROPOSED JMP RANCH LLC
KNEELAND AREA
CUP-16-049
APN: 314-193-008
T04N R03E S18 HB&M (IAQUA BUTTES)**

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Project Area = 

**AERIAL MAP
PROPOSED JMP RANCH LLC
KNEELAND AREA
CUP-16-049
APN: 314-193-008
T04N R03E S18 HB&M (IAQUA BUTTES)**

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0 1,000 2,000 4,000 Feet



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 - #15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing, proposed structures associated with drying and storage or any activity with a nexus to cannabis, generators, any noise containment structures and graded flats, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100

feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.

8. The applicant shall improve the intersection of the Unnamed Road and Mountain View Road as follows:
 - a. If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road; OR
 - b. 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. The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.
9. The applicant shall secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
10. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, pursuant to the State Water Resource Control Board Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
11. The applicant shall notify the California Department of Fish and Wildlife (CDFW) for all projects within CDFW jurisdiction related to the development of the cannabis cultivation sites, including, but not limited to off-stream pond improvements and repair and/or maintenance of culverts and stream crossings. The applicant shall submit a copy of the Final Streambed Alteration Agreement to the Planning Department within 10 business days of issuance. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
12. The applicant shall install exit ramps to the off-stream pond to prevent wildlife entrapment, per CDFW referral comments received 12/31/18. Exit ramps shall be installed no grater that 2:1 slope, secured at the upslope end, and made of solid material (e.g., wood).
13. The applicant shall ensure the off-stream pond holds no more than the necessary volume of water needed for the project, with consideration to evaporative loss, per CDFW referral comments received 12/31/18. The volume of water contained within the pond should be based on the square

footage and method of cultivation in use prior to January 1, 2016.

14. The applicant shall install an overflow spillway to the off-stream pond that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State, per CDFW referral comments received 12/31/18. CDFW recommends the spillway be designed and placed to allow for a minimum of two (2) feet of freeboard.
15. The applicant shall submit a Less Than Three Acre Conversion Evaluation prepared by a Registered Professional Forester (RPF) for the conversion in the northernmost cultivation area that occurred between 2010 – 2012. The applicant shall adhere to and implement recommendations provided by the RPF to address timber conversion that occurred in the cultivation area to ensure compliance with the California Forest Practice Act. The Less Than Three Acre Conversion Evaluation shall be submitted to the Planning Department for review and approval prior to any remediation work commencing. A letter or similar communication from a RPF shall be submitted upon completion of any remediation activities that states the work was completed in accordance with recommendations in the report. A sign-off from the Planning Department will satisfy this condition.
16. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
17. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
18. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
19. 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.
20. 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.
21. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator, or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further

consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. 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.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.

12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of 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.
18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5

commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - 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.
27. 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.
28. 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

29. Term of Commercial Cannabis Activity Conditional Use Permit and Special Permit. Any Commercial Cannabis Cultivation CUP and 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.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the 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.
31. 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.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. 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:
- Identifying information for the new owner(s) and management as required in an initial permit application;
 - A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - The specific date on which the transfer is to occur;
 - Acknowledgement of full responsibility for complying with the existing permit; and
 - Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. 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:

- 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 #12 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #30 through #32 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. 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.

ATTACHMENT 2

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

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

**APN 314-192-008; North side of Mountain View Road, approximately 3.8 miles east from the
intersection of Kneeland Road and Mountain View Road, on a property known to be in the west half of
Section 18, Township 04 North, Range 03 East, H. B. & M., Kneeland, County of Humboldt**

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

March 2021

Background

Modified Project Description and Project History –

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

The modified project involves a Conditional Use Permit for operation of an existing 21,000 square feet of mixed-light cultivation in fourteen (14) hoop houses. The proposed project includes replacement of the 14 existing hoop houses and 2 existing immature plant propagation hoop houses with one (1) 27,000-square-foot greenhouse that consists of a 22,000 square-foot mixed-light cultivation area, a 4,500-square-foot of nursery space, and a 500 square-foot agricultural chemical storage by the 2022 growing season. The 4,500-square-foot propagation area would accommodate 2,200 square feet of propagation area that would be authorized by this permit. Irrigation water is sourced from an existing 400,000-gallon rainwater catchment pond. Additional water storage onsite includes two (2) existing 2,500-gallon in HDPE water storage tanks and four (4) proposed 5,000-gallon HDPE water storage tanks for a total of 425,000 gallons of water storage. Estimated annual water usage is 243,750 gallons (11.1 gal/SF). Drying, harvest storage, processing, and packing will occur onsite in a proposed 2,500 square-foot metal barn that will be permitted as a commercial structure upon approval of the CUP. Up to ten (10) employees may be utilized during peak operations (April to October). Power will be provided by one (1) Whisperwatt generator and one (1) Honda generator.

The Northwest Information Center (NWIC) referral response noted that no cultural resources have been identified on the property. The Tribal Historic Preservation Officer from the Bear River Band of the Rohnerville Rancheria reviewed the project application and recommended that measures should be included to provide for inadvertent discovery of cultural resources. As such, ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect any previously unknown cultural or tribal cultural resources that may be encountered in the future. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

A search of CNDDDB biological resources database was performed on November 2, 2020. No special-status species have been documented on the project site. The nearest known Northern spotted owl (NSO) activity center greater than 0.5-mile north of the cultivation site; therefore, the cultivation site may provide suitable foraging habitat. Conditions of approval will require noise to be at below 50 decibels at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The project proposes mixed-light cultivation and is conditioned to ensure any lighting adheres to Dark Sky Association standards. The project is conditioned to refrain from using synthetic netting, to ensure refuse is contained in wildlife-proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife. Additional measures that would also protect biological resources are identified in the SMP prepared for the project and include

drainage, runoff, and erosion control; watershed and habitat protection measures; and proper application, storage and disposal of fertilizers, pesticides, herbicides, and petroleum products.

A total of 3.9 acres of timber conversion has occurred on the project site: 1.0 acre was converted between 2010 and 2012 for the current cultivation area and 2.9 acres of timberland was converted in 2015 for a proposed homesite, pond, and new road in the southern portion of the project site. A Less than 3 Acre Conversion Exemption was prepared in August 2015 for conversion that occurred in the southern portion of the project site (see Attachment 3). Cal Fire accepted the Conversion Exemption on August 11, 2015 (Exemption No. 1-15EX-259-HUM) (see Attachment 3). Cal Fire required that all untreated slash piles and log decks be treated to be in compliance with the California Forest Practice Act which is included in the Conditions of Approval.

A Less than 3 Acre Conversion Exemption was not prepared for timber conversion that occurred on the cultivation site. Although the applicant purchased the property in 2019 after the conversion of the cultivation area took place, the applicant/owner is responsible mitigating the environmental impacts of timber conversion. Therefore, the project is conditioned to require the applicant/owner to hire a registered forester to evaluate the impacts of timber conversion of the cultivation area and implement recommendations of the registered forester to bring the site in compliance with the California Forest Practice Act.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

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 22,000 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plans prepared by Mother Earth Engineering, dated 11/20/20 and 12/1/20.
- Cultivation and Operations Plan prepared by Mother Earth Engineering, dated August 2020.
- Cultivation and Operations Plan Addendum by Mother Earth Engineering, not dated and received 12/21/20
- Site Management Plan (WDID No. 1B171099CHUM) prepared by Mother Earth Engineering, dated August 2020 and received 9/17/20 for the State Water Resource Control Board Order 2019-0001-DWQ.
- Less than 3 Acre Conversion Exemption prepared by Timberland Resource Consultants, dated 8/3/15
- Functional Capacity Study and Road Evaluation prepared by Mother Earth Engineering, dated 11/5/18.
- Humboldt County Department of Public Works Road Evaluation Report prepared by Mother Earth Engineering, dated 9/9/20 and received 9/15/20.
- CNDDDB biological resources search conducted by AECOM on November 2, 2020
- Cultural resources consultation materials: Letter from Northwest Information Center dated January 22, 2018 and letter consultation with Bear River Band of the Rohnerville Rancheria dated February 3, 2018

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 associated with cultivation activities, including access roads, ponds, graded flats, and other related features. The area for cultivation is not 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. (Attached)
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, the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan and Cultivation and Operations Plan Addendum (item 4. above) and Site Management Plan prepared for State Water Resource Control Board Order 2019-0001-DWQ. (See item 6. below)
6. Site Management Plan (WDID No. 1B171099CHUM) prepared by Mother Earth Engineering, dated August 2020 and received 9/17/20 for the State Water Resource Control Board Order 2019-0001-DWQ. (Attached separately as 3A)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached - NOI and reporting, and Site Management Plan (On file - WDID-1_12CC426314) prepared by Mother Earth Engineering and Applicant, Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ)
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. (Condition of approval)
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. (Attached – Less Than Three Acre Conversion Exemption issued by Cal FIRE dated 8/11/2015; Condition of approval – RPF Evaluation of timber conversion that occurred between 2010 - 2012)

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. Functional Capacity Study and Road Evaluation prepared by Mother Earth Engineering, dated 11/5/18. (Attached)
16. Humboldt County Department of Public Works Road Evaluation Report prepared by Mother Earth Engineering, dated 9/9/20. (Attached)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
18. California Natural Diversity Database records of special-status plants and wildlife within two (2) miles of the boundaries of APN 314-193-008. (On-file and confidential)

10678



Cultivation and Operations Plan

APN 314-193-008

August 2020

Prepared for:
JMP Ranch, LLC
Permit App No. 10678
Case No. CUP-16-049
(707) 601-7970

Prepared by:
Risa Okuyama
Staff Biologist
risa@mothereathengineering.com
MEE Project#19031



425 I Street Arcata, California 95521
707-633-8321 | mothereathengineering.com

Project Description

JMP Ranch, LLC. Is applying for 22,000 sq. ft. of existing Mixed Light Cultivation.

Water Source, Storage, Irrigation Plan, Projected Water Usage

All irrigation water for JMP Ranch, LLC is sourced from a 400,000-gallon rainwater catchment pond. Additional water storage onsite includes two (2) 2,500-gallon HDPE water tanks and six (6) proposed 5,000-gallon HDPE water tanks for a total of 435,000 gallons of water storage on the property. Water will be pumped from the rainwater catchment pond to the ancillary water storage tanks.

Irrigation Plan: Irrigation water will be applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Applicant anticipates watering cannabis plants every other day during the growing season. Irrigation is applied through a traditional drip irrigation and by hand watering using a spray stick or wand. Applicant will water in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier will be used to minimize weed growth, which reduces water loss during watering. Applicant will use natural soil amendments to aid in soil moisture retention as part of irrigation plan.

Projected Water Usage: An estimated use of up to 243,750 gallons per year for irrigation is expected. Water usage will be recorded monthly and reported annually to the Water Board pursuant to NCRWCQB Order No. R1-2015-0023 and records will be kept on-site. The following table indicates the estimated water usage in gallons per month throughout the year.

Table 1: Estimated water usage per month in gallons.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
5,000	5,000	7,500	10,000	20,000	30,000	40,000	50,000	40,000	30,000	1,250	5,000

Protection of Watershed and Nearby Habitat

The property is located on a generally north facing mountainous terrain that ranges from 1,000 to 2,000 ft above mean sea level. The land is characterized as having low sloped grades in the project areas to various degrees of steepness from the mountainous terrain. The parcel is mapped as possessing high levels of instability in the Humboldt County GIS database and drains north of the property and into the Mad River.

In order to protect the Mad River watershed and the Blue Slide Creek subwatershed, all trash, recycling, amendments, fertilizers, and other cultivation related materials shall be stored such that they are secured from wildlife and cannot be released into the nearby natural environment. All cultivation areas are at least 150 ft from the nearest watercourse. Buffers of natural vegetation and habitat are and shall continue to be maintained around all areas of human activity. The majority of the parcel is conserved in a wild state.

Cultivation areas are and shall continue to be maintained with erosion control measures to prevent nutrient and sediment transport at all times. Best management practices such as straw waddles barriers and mulch-filled drainage ditches shall be employed where necessary to prevent runoff from leaving immediate cultivation areas.

Protocols for Storage and Use of Fertilizers, Pesticides and other Regulated Products Used

All fertilizers and farm supplies are stored in secondary containment in storage containers. All products that are applied during cultivation will be contained in the fertilizer storage area. This includes items such as plant

nutrients, plant foliar sprays and pesticides. Nutrients will be taken from storage to make a nutrient mix in the mixing tanks. After the mix is made per label instructions, the nutrients will be returned to storage.

These materials will be stored in sealed containers inside the storage areas and be in the immediate vicinity of a binder containing the Material Safety Data Sheets (MSDS) for all materials as well as exposure procedures and contact numbers.

JMP Ranch, LLC will follow an Integrated Pest Management Plan that focuses on using only natural and biological controls. Only OMRI listed products are utilized for pest and disease control. These controls include but are not limited to beneficial organisms and insects. All products are stored in an enclosed storage shed with impermeable floor surfaces and secondary containment to prevent leaching into groundwater or percolating to receiving waters. All products are applied per label instructions.

All products not directly related to cultivation but related to cultivation activities such as fuel and any other hazardous products will be contained in the second storage container area as marked on the site map. All petroleum products will have secondary containment and spill kits on site. All tools will be stored in the tool shed cabin located near the storage containers.

Similarly, these supplies would only be removed from storage for use, applied per label instructions, and then returned to storage upon completion of task.

Before application, operators shall evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

Schedule of Activities

8 Week Cultivation Schedule of Activities

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
All Greenhouse	--	--	--	S & V	F	F & H	S & F	F & H	S & F	F & H	--	--

Stages: S = Start V = Vegetative F = Flowering H = Harvest

Three (3) cultivation cycles per year.

Generator use

Power supply for all commercial activity will be provided by one (1) Whisperwatt DCA70USI 65KW generator and one (1) Honda EU2000i generator. Manufacturer's specifications of the Whisperwatt generator model is rated to be 60 dBA at a 30 ft distance, the generator is sites over 600 ft. from the nearest property line. The Whisperwatt is enclosed in a weather resistant steel housing that provides further noise attenuation. The Honda EU2000i generator models are small, quiet, and compact generators with a manufacturer's specifications of 53 dBA at ¼ load. All project related noise shall be compliant and consistent to the maximum allowable noise level limit pursuant to Humboldt County Noise Element Standards.

Processing will occur in a proposed 50' 50 Metal Barn. Once the application is approved the Barn will be permitted as a commercial structure. Until a septic system is installed an ADA compliant potable toilet will be available for processing employees.

All personnel will follow section 55.4.11 Performance Standards for all CMMLUO Cultivation and Processing Operations, specifically sections q) through u), pertaining to Processing Activities. At the time when each greenhouse is ready to harvest, 3 to 5 employees or sub-contractors will work, in compliance with California labor laws, to process the cannabis for drying and packaging for transport.

The facilities will require 5 to 10 full time employees during operations (March to November).

All candidates for staff will undergo criminal background checks as part of the standard screening process. To the maximum effect allowed by California and federal employment law, candidates with a criminal history or a history of drug abuse will be screened from employment.

The facility is not open to the public and will not accept visitors without a specific business purpose.

Hours of operation will typically be from 7 AM to 7 PM; however, during periods of seasonally high workload, the hours of operations within the facility may increase to 16 hours per day. Commercial activities such as shipping and receiving will be limited to 8:00 AM to 6:00 PM. Due to the remote location of the facility and the limited commercial activity window, there are anticipated to be no significant noise or traffic impacts upon the occupants of neighboring properties.

JMP Ranch, LLC shall follow all performance standards outlines in Humboldt County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO) with respect to cultivation activities, including developing worker safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant shall ensure that all safety equipment is in good and operable condition and provide all employees with training on the proper use of safety equipment.

Cultivation operations implement best practices to the highest degree feasible. The operation follows all safety protocols and provides all employees with adequate safety training pursuant to County and State regulations and guidance. Employee safety practices will be in compliance with standards set forth by the County and State which may include the following and additional elements:

- Emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.



- Visibly posted emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

Safe Drinking Water, Toilets and Sanitary Facilities

At all times, employees will have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Bottled drinking water shall be brought onto the site until a safe filtration system can be set up from a surface water diversion.

Until a permitted septic system is installed onsite, two portable toilets and a handwashing station will be available for employee use.

Toilet and hand-washing facilities in accordance with the requirements of Cal-OSHA and ADA/California Accessibility regulation shall be provided and maintained by B and B port-a-potty service.

Increased Road Use

No significant noise or traffic impacts are expected on access roads or impacts to neighboring properties. At peak times, it is anticipated that up to two (2) vehicle trips per day to and from the project site.

Onsite Housing

There is no intent to provide on-site housing at this time. Any and all on site-housing provided to employees, if any, shall comply with all applicable federal, state, and local laws and regulations.

Security Plan

The property is very remote and of the county road system. Access is limited by a gate at the entrance. Remote motion sensors are in place to detect unexpected vehicle traffic. Anyone working at the farm will call 911 in an emergency. The security measures located on the premises will include the following:

- a) Lighting and Surveillance – Motion sensor lighting and game cameras are installed around the facilities such that personnel and the video surveillance system can effectively monitor the space in and around the facility.
- b) Alarm – A security system will be installed and operated at all appropriate times within the facility. Guard dogs are also present on the property during operations.
- c) Access Control – All entrances to the facility are restricted via locked gate. 24- hour access to the facility by emergency responders will be provided via a lock box. In addition, site topography and vegetation provide natural barriers to entry. Full time occupancy of parcel and neighboring farms.
- d) Safety of Staff – working in concert together, the access control system, lighting, fencing, and alarm system, will provide a secure and protected facility for the staff to occupy.
- e) All cultivation related items and products will be stored in locked locations. The security measures will secure the medical marijuana against diversion for non-medical purposes by protecting against theft not only from intruders, but also from staff members and other parties onsite. This is done by limiting access into the facility as necessary and by surveillance monitoring of personnel and visitors at all times when in close proximity to the product. Strict inventory control measures will also be engaged to prevent and detect diversion.
- f) All Medical Marijuana other than lab samples will be transported to State licensed and/or locally permitted licensed medical cannabis wholesale, distribution, or manufacturing companies by a State licensed and/or locally permitted licensed transport company.



Cultivation and Operations Plan Addendum

Applicant: JMP Ranch, LLC

Permit No. 10678

APN: 314-193-008

Cultivation Plan Clarification:

In 2021, 21,000 sq. ft. of canopy area will be cultivated at the site in fourteen (14) 20'x75' greenhouses. 3,000 sq. ft. of nursery space will also be used in two (2) 20'x75' greenhouses. Two harvest are expected in the 2021 season.

In 2022, a 150'x180' greenhouse will be constructed to house 22,000 sq. ft. of canopy area, 4,500 sq. ft. of immature plant area and 500 sq. ft. of ag chemical storage. Cultivation will occur in a 150'x150' area, this area will also include a 20'x25' area designated for agricultural chemical storage. A 30'x125' area will be reserved for nursery space. Two harvest cycles per year are expected in 2022 and in the future.

North Coast Regional Water Quality Control Board

October 7, 2020

WDID:1_12CC426314

JMP RANCH LLC
ATTN: MAX PETRAS
920 SAMOA BOULEVARD 219
ARCATA, CA 95521

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

201007_2L_1_12CC426314_JMP_Ranch__LLC_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, JMP RANCH LLC, HUMBOLDT COUNTY APN(s) 404-061-023-000

JMP Ranch LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on April 02, 2020, 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_12CC426314**.

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. Please note that this NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Food and Agriculture (CalCannabis), required permits from your local jurisdiction (City or County), and an agreement from the California Department of Fish and Wildlife. General Requirement #1 of the Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from those other agencies prior to cultivating cannabis.

1. FACILITY AND DISCHARGE DESCRIPTION

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

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

2. SITE-SPECIFIC REQUIREMENTS

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

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

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/200204/RB1_Cannabis_WQC_401_App.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 June 30, 2020, 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 2 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$1,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov 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



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

135 Ridgway Ave.
 Santa Rosa, CA 95401
 Website: www.fire.ca.gov
 (707) 576-2959



Date: August 11, 2015
 Ref.: 1-15EX-259-HUM

YOEL BILSKY
 2147 LONDONDERRY CT
 WALNUT CREEK, CA 94596



Dear MR. BILSKY:

This is to acknowledge that your **Less Than 3 Acre Conversion Exemption** was accepted on **August 11, 2015**. It has been assigned the above listed Exemption number. All timber operations must be complete within one year. All conversion activities must be complete within two years, unless under permit by local jurisdiction.

*****Please read the enclosed notice regarding Listed Anadromous Salmonids, Slash Clean-up, Sudden Oak Death, Pitch Canker, and Operations between October 15 – May 1.*****

In addition, please note the requirement for submittal of the Timber Operations Work Completion and/or Stocking Report (blue form) upon completion of the project.

Compliance with all provisions of the Forest Practice Act, rules pursuant to Section 1104.1(a)--Title 14 of the California Code of Regulations, will be determined by future inspection(s).

If you have any questions you may contact your local CAL FIRE Forest Practice Inspector or me at (707) 576-2959.

Sincerely,

Jeremiah Steuterman
 Forestry Assistant II

Enclosure

cc: Unit
 Board of Equalization
 RPF – Chris Carroll
 LTO – Thomas Grant
 File
[ftp://thp.fire.ca.gov/THPLibrary/North Coast Region/](ftp://thp.fire.ca.gov/THPLibrary/North_Coast_Region/)

"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."

Functional Capacity Study and Road Evaluation

November 5, 2018

Prepared for:
Vajra Gita Grounds, LLC

Prepared by:



920 Samoa Blvd Suite 210 Arcata, California 95521
707-633-8321 | motherearthengineering.com



Mother Earth Engineering Project 016010 – Functional Capacity Study and Road Evaluation

1.0 Introduction

Mother Earth Engineering performed a traffic study on an unnamed private road in Kneeland, California. The study was performed at the request of Vajra Gita Grounds, LLC which owns parcels that are accessed by the road studied. The Average Daily Traffic (ADT) count was measured at two points along this private road to determine if the road complies 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*. The ADT must be under 400 to be considered a low-volume local road.

2.0 Methods

The private road was monitored at two locations with motion activated cameras from 10/30/18 until 11/02/18. Camera 1 was positioned at a cattle gate (40.7163, -123.9080) approximately 0.23 miles from where the private road meets Mountain View Road. Camera 2 was positioned at a security gate (40.7200, -123.9060) approximately 0.59 miles from where the private road meets Mountain View Road.

The cameras were set to record a photograph every 5 seconds when motion was detected. These images have been evaluated to determine the traffic count for a given 24 hour period. Each period for tallying the traffic count was from 12:00 A.M. until 11:59 P.M. for a given day.

3.0 Conclusion

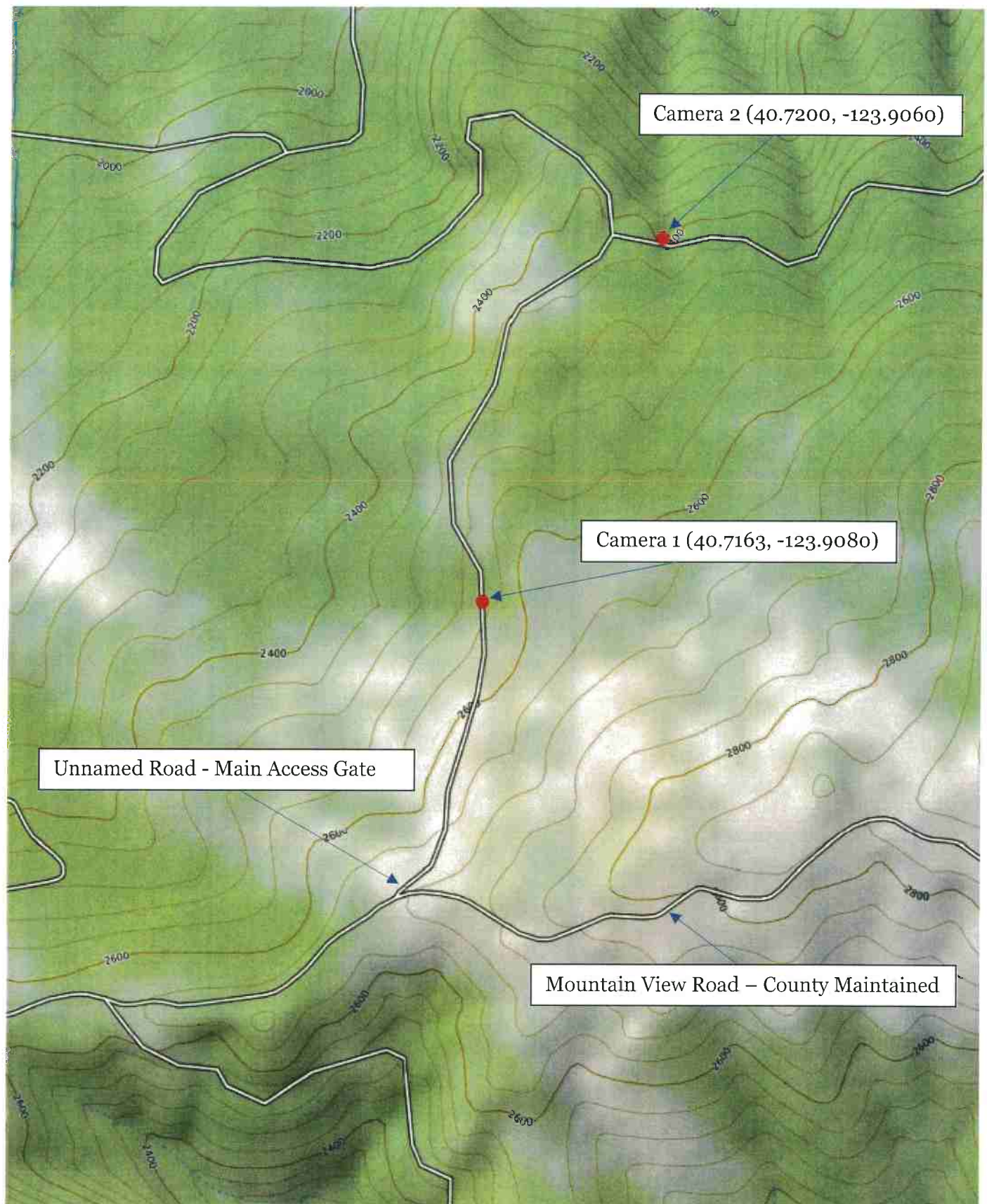
The traffic count for the two 24 hour periods were used to determine the ADT at each point on Indra Valley Road.

Table 1: Traffic count at each monitoring point during the two 24-hour study periods.

Date	Camera 1	Camera 2
10/31/2018	32	32
11/01/2018	32	32
ADT	32	32

The ADT for this private road as evaluated by Mother Earth Engineering was determined to be 32 vehicles per day. This qualifies the private road on the evaluated segment as a low-volume local road according to the ADT<400 standard set by AASHTO. This classification of road requires Part B:Sections 2 & 3 of the Humboldt County Department of Public Works Road Evaluation Report to be filled by a Civil Engineer licensed by the State of California. Attached with this memo are filled Road Evaluation Reports for two properties that are accessed by the subject unnamed private road. There are also Dead-End Road Length Statements for the two properties.

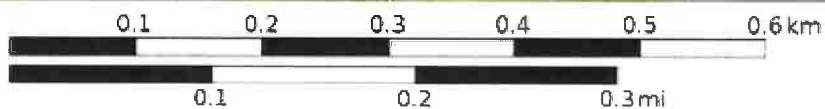
Mother Earth Engineering Project 016010 – Functional Capacity Study and Road Evaluation



Mercator Projection
WGS84
USNG Zone 10TDL

CalTopo

PLN-10678-CUP JMP Ranch, LLC



April 15, 2021



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS ROAD EVALUATION REPORT

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

 Applicant Name: JMP Ranch, LLC APN: 314-193-008

 Planning & Building Department Case/File No.: 10678, CUP16-049

 Road Name: Unnamed Road (Private) *(complete a separate form for each road)*

 From Road (Cross street): Project Access Road of 314-193-008

 To Road (Cross street): Mountain View Road

 Length of road segment: 2.6 miles Date Inspected: 11/2/2018 & 12/04/19

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

Check one of the following:

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

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

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

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

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

DocuSigned by:

Trillian Duran Schroeder
9/9/2020

Signature

Date

Trillian Duran Schroeder

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.

JMP Ranch, LLC

Road Evaluation from Private Access Road at 314-193-008 to Mountain View Road

Legend

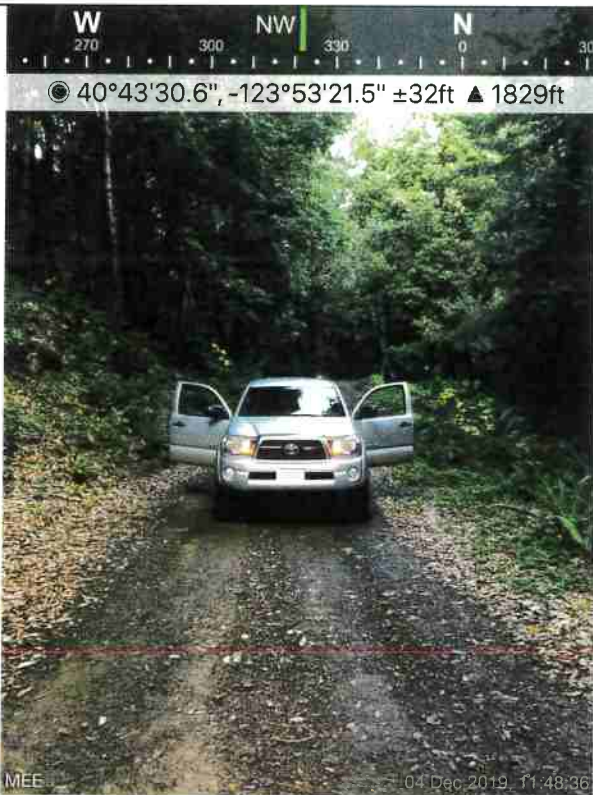
- Photo Map ID
- Private Road Segment

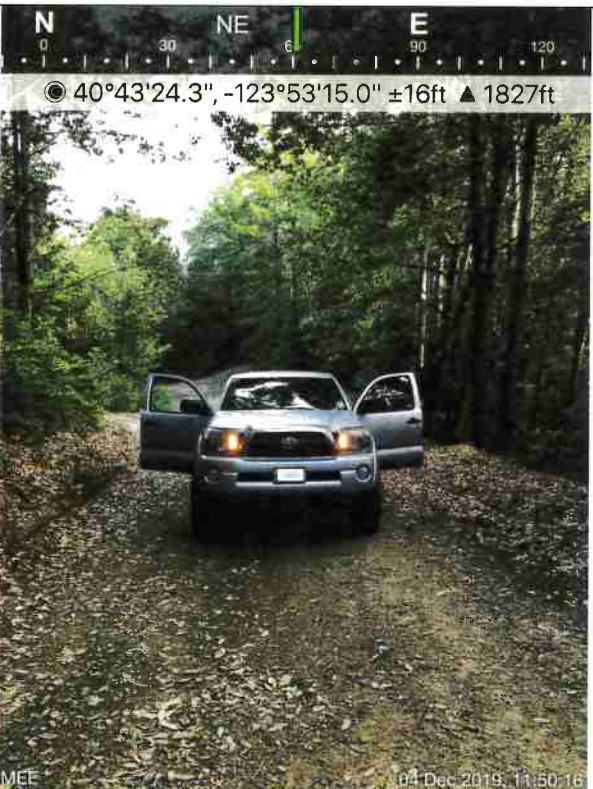


Mother Earth Engineering

Road Evaluation – Picture Log

JMP Ranch, LLC

Picture No. 1	
Date: December 4, 2019	
Map ID: R1	
Description: Map Point R1 looking northwest.	


Picture No. 2	
Date: December 4, 2019	
Map ID: R2	
Description: Map Point R2 looking southeast.	




Mother Earth Engineering

Road Evaluation – Picture Log

JMP Ranch, LLC

Picture No. 3	
Date: December 4, 2019	
Map ID: R3	
Description: Map Point R3 looking west.	

Picture No. 4	
Date: November 2, 2018	
Map ID: R4	
Description: Map Point R4 looking northwest.	




Mother Earth Engineering

Road Evaluation – Picture Log

JMP Ranch, LLC


Picture No. 5	
Date: November 2, 2018	
Map ID: R5	
Description: Road segment at Map ID R5	


Picture No. 6	
Date: November 2, 2018	
Map ID: R6	
Description: Road segment at Map ID R6	

Mother Earth Engineering

Road Evaluation – Picture Log

JMP Ranch, LLC

Picture No. 7	
Date: November 2, 2018	
Map ID: R7	
Description: Road segment at Map ID R7.	


Picture No. 8	
Date: November 2, 2018	
Map ID: R8	
Description: Road segment at Map ID R8.	




Mother Earth Engineering

Road Evaluation – Picture Log

JMP Ranch, LLC


Picture No. 9	
Date: November 2, 2018	
Map ID: R9	
Description: Road segment at Map ID R9.	

Picture No. 10	
Date: November 2, 2018	
Map ID: R10	
Description: Road segment at Map ID R10.	



Mother Earth Engineering
Road Evaluation – Picture Log

JMP Ranch, LLC

Picture No. 11	
Date: November 2, 2018	
Map ID: R11	
Description: Road segment at Map ID R11.	

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No response	
Division Environmental Health	✓	Conditional approval	Attached
Public Works, Land Use Division	✓	Conditional approval	Attached
CAL FIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Conditional approval	Attached
Northwest Information Center	✓	Comments: Contact Native American Tribes	Attached
Bear River Band of the Rohnerville Rancheria	✓	Comments	Attached
Kneeland Elementary School District		No response	
Eureka High School District	✓	Comments	Attached
Humboldt County Sheriff	✓	Comments	Attached
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No response	
North Coast Regional Water Quality Control Board		No response	
State Water Resources Control Board – Division of Water Rights		No response	
Humboldt Bay Municipal Water District	✓	Comments	Attached



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



PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, District Attorney, Ag Commissioner, NCUR Air Quality Control Board, SWCB, Division of Water Rights, Humboldt County Sheriff, Kneeland Elementary School School District, Eureka High School School District

Applicant Name Yoel Bilsky **Key Parcel Number** 314-193-008-000

Application (APPS#) 10678 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-049

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

(1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.

(2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-5540
445-7651
445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7398

LAND USE

445-7208

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 03-09-2018

RE:

Applicant Name	Yael Bitsky
APN	314-193-008
APPS#	10678

CUP16-049

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 10678

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

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

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

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

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

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

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

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

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

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

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

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

☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

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

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

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

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

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

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

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

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

// END //

Exhibit "D"

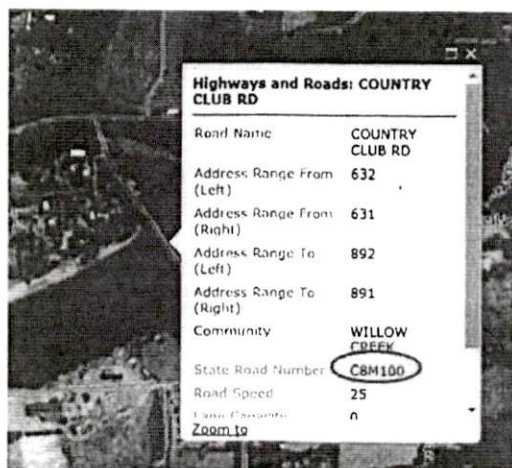
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** Planning and Building Department staff shall request that the applicant provide *Road Evaluation Reports* for the project. The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in RED.

A County maintained road will have a 5 or 6 character identifier. The general format is ABCDDD where:

- A is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C is a grid identifier letter for the Y-axis for the grid.
- DDD is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD
A3M020 Murray Road
F6B165 Alderpoint Road
6C040 Thomas Road

Exhibit "D"**Road Evaluation Reports**

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the **green** heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the **red** heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"**Road Evaluation Reports**

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M. 12.20
McCann Road	6D090	P.M. 1.0 to P.M. 2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49 [End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88 [End of County maintained]
Sprowel Creek Road	6B095	P.M. 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M. 0.00 to 3.25 [End of County maintained]
Warren Creek Road	5L740	P.M. 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272

Ref: 7100 Planning
Date: September 21, 2017



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

Attention: Cannabis Planner (CPOD)
Applicant: Bilsky, Yoel
APN: 314-193-008-000
Area: Kneeland
Case Numbers: CUP16-049

Humboldt County Application #: 10678
Type of Application: Conditional Use Permit
Date Received: 9/15/2017
Due Date: 9/29/2017

Project Description: A Conditional Use Permit for an existing 22,000 square foot (SF) mixed-light cannabis cultivation operation. Irrigation water is sourced from a 400,000 gallon rainwater catchment pond and total water storage is 5,500 gallons in three (3) tanks. Processing is done on-site in an existing 1,350 SF shed. Generators provide power to the operation.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

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

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

From: [Meghan Ryan](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: ["Johnson, Cliff"](#); [King, Jenifer](#)
Subject: APPS #10678, JMP Ranch, LLC - APN 314-193-008: PROJECTED HEARING DATE - APRIL 15, 2021
Date: Monday, February 22, 2021 2:18:00 PM
Attachments: [10678 Letter RE LEss Than 3 Acre Conversion Exemption 09.15.2020.pdf](#)
[10678 CAV.pdf](#)
[10678 Functional Capacity Study and Road Evaluation 09.15.2020.pdf](#)
[10678 Site Management Plan 09.15.2020.pdf](#)
[10678 Plot Plan Proposed 2022.pdf](#)

Good afternoon, Scott – I hope you're doing well.

The proposed project description is as follows:

A Conditional Use Permit for continued cultivation of 21,100 square feet of mixed-light cannabis. The proposed project includes replacement of the existing hoop houses with one (1) greenhouse that provides 22,000 SF of mixed light cultivation area. There will be a 2,500-square-foot propagation area on-site. Cultivation activities extend from March to October. There will be two harvests annually. Irrigation water is sourced from an existing 400,000-gallon off-stream pond. There is a total of 435,000 gallons of water storage in the pond and a series of hard-sided tanks. Estimated annual water usage is 243,750 gallons. Drying, harvest storage, processing, and packing will occur onsite in a proposed 2,500-square-foot metal barn. A maximum of 10 employees may be utilized during peak operations. Power will be provided by two generators.

Please see my responses to CDFW comments below:

1. The following COA is added to the project:

The applicant shall notify the California Department of Fish and Wildlife (CDFW) for all projects within CDFW jurisdiction related to the development of the cannabis cultivation sites, including, but not limited to off-stream pond improvements and repair and/or maintenance of culverts and stream crossings. The applicant shall submit a copy of the Final Streambed Alteration Agreement to the Planning Department within 10 business days of issuance. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.

2. An addendum is recommended for this project as this is an existing cultivation site. Noise and light attenuation measures are included as conditions of approval. Timber conversion occurred between 2010 – 2012 and in 2015 with a Less Than 3 Acre Conversion Exemption (attached).
3. CAV is attached.
4. Functional Capacity Study and Road Evaluation attached.
5. Water is provided by an off-stream pond. I attached the Site Management Plan and final site plan for your review.
6. The other general project comments are included as conditions of approval.

Please let me know if you have any additional questions or need any further information.

Best,
Meghan



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

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**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Yoel Bilsky		Date: 12/31/2018	
APPS No.: 10678	APN: 314-193-008	DFW CEQA No.: 2017-0678	Case No.: CUP16-049
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 22,000	<input type="checkbox"/> Outdoor (SF): <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

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

CDFW is concerned that this project, and other projects in this immediate area, have the potential to have a significant biological impact on Northern Spotted Owl. CDFW requests that mixed light cultivation not be approved at this location. CDFW seeks further information on timber conversion, grading, and expansion of cultivation that looks to have occurred on the subject parcel since 2015. CDFW requests the CAV from the applicant or Humboldt County to ensure that no unpermitted expansion or other activities have occurred without environmental review. CDFW has no record that the applicant has obtained a Lake and Streambed Alteration Agreement (LSA) or a waiver, as required by CDFA.

Specific Project Comments

- ☒ CDFW is concerned that the Project may result in direct and cumulative adverse impacts to valuable fish and wildlife resources. CDFW believes an environmental document such as a mitigated negative declaration or an environmental impact report is required for approval of this Project.
- ☒ Aerial imagery and referral materials suggest that significant grading has taken place on the parcel. Please provide evidence of one or more of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.
- ☒ The Project proposes to utilize mixed-light cultivation within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) occupied habitat. CDFW requests that no mixed-light cultivation methods be permitted at this site. CDFW further requests that project scoping be conducted by an experienced qualified professional for the potential for

presence/absence of NSO nesting/roosting habitat, prior to consideration of Project approval. Prior to scoping completion, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB.

- ☒ CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- ☒ CDFW requests an assessment of the access road leading to the project site, prior to Project approval to identify nonpoint source pollution that may affect fish and wildlife.
- ☒ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
 - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
 - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.

General Project Comments

- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ The referral materials state that there is a plan to construct a rainwater catchment pond onsite. CDFW requests:
 - CDFW requests, that the pond be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016.
 - That the applicant install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.

- That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood).
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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



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

RECEIVED

SEP 18 2017

ADMINISTRATIVE SERVICES

9/14/2017

PROJECT REFERRAL TO: Eureka High School School District**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, District Attorney, Ag Commissioner, NCUR Air Quality Control Board, SWCB, Division of Water Rights, Humboldt County Sheriff, Kneeland Elementary School School District, Eureka High School School District

Applicant Name Yoel Bilsky **Key Parcel Number** 314-193-008-000

Application (APPS#) 10678 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-049

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

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

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

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

Return Response No Later Than 9/29/2017

Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: Not within 600 ft. of bus stop.

DATE:

9.21.17

PRINT NAME:

DAN PIRES



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

10/12/2018

PROJECT REFERRAL TO: Humboldt Bay Municipal Water District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, District Attorney, Ag Commissioner, NCUR Air Quality Control Board, SWCB, Division of Water Rights, Humboldt County Sheriff, Kneeland Elementary School School District, Eureka High School School District, Humboldt Bay Municipal Water District

Applicant Name Yoel Bilsky **Key Parcel Number** 314-193-008-000

Application (APPS#) 10678 **Assigned Planner** Zsofia Odry (707) 268-3727 **Case Number(s)** CUP16-049

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.

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

Return Response No Later Than **10/27/2018**

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

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

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

☒ Other Comments: See attached letter

DATE: 10/29/18
PLN 10678 CUP JMP Ranch, LLC

PRINT NAME: John Friedenbach, General Mgr
April 15, 2021 Page 72 of 15



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

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GENERAL MANAGER

JOHN FRIEDENBACH

October 29, 2018

Planning Commission Clerk
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

RE: Case Number CUP16-049, Key Parcel Number 314-193-008-000

Humboldt Bay Municipal Water District (District) submits this letter to express concerns regarding Conditional Use Permit 16-049 submitted by Yoel Bilsky (Applicant) because the operation poses a potential risk to fish and wildlife and may threaten water quality of the Mad River Watershed. There are a number of impacts from these projects that need to be considered including, water quality, and impacts on protected species.

The pond appears to be a potential species problem. Section 55.4.12.8 of the Cannabis Land Use regulations require that ponds and reservoirs be set back from streams, springs, and other hydrologic features. They also have to be designed so that they can be drained.

Further, we believe the project is not exempt from the California Environmental Quality Act (Pub. Resources Codes, § 21000 et seq., "CEQA. The District requests the County require a full environmental review.

The Applicant seeks a conditional use permit for development and operation of an existing mixed-light commercial cannabis facility (project). The irrigation water will be sourced from a 400,000-gallon rainwater catchment pond and three storage tanks.

The project proposed is in a TPZ where new or expanded cultivation activities are prohibited. Expansion of Pre-Existing Cultivation Site Permits Is Specifically Prohibited in Timberland Production Zones. The project is located in a Timberland Production Zone (TPZ). TPZ is a special zoning designation affording superior protection to timberland preserves. (Humboldt County Code, § 314-7.1; Government Code, § 51101, 51102.) These areas are devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. (Humboldt County Code, § 314-7.4; Government Code, § 51110, subd. (b).) The Cannabis Ordinance provides

“[e]xpansion of Pre-Existing Cultivation Sites is prohibited where located within the [Commercial Timberland (TC)] or TPZ.” (Humboldt County Code, § 55.4.6.5.)

The Cannabis Land Use ordinance section 55.4.11 allows the County to require additional information from the applicant. Given the size of these operations, their adjacency to the river, the water storage ponds, and their intention to store riparian water, we encourage the County to request a number of these materials including: Irrigation Plan, Hazardous Materials Site Assessment, Surveys for Biological Resources and Sensitive Habitat, documentation of water use, source, and storage.

The aerial maps included show a creek, which appears to be a tributary of the Mad River, traversing the Applicant’s Key Parcel. It is the District’s understanding and belief that the State Water Board has determined that the Mad River is fully appropriated and there are no more water rights available for appropriation. (See State Water Board Order 98-08; Water Code, § 1206.) Therefore, we respectfully request that the County verify with the Water Board the water rights claimed to be owned and permitted by the applicant prior to issuing a CUP.

The Project is subject to CEQA review. Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts... The individual effects may be changes resulting from a single project or a number of separate projects. (CEQA Guidelines, § 15355, subd. (a).) Essentially, an agency cannot forego environmental review if, “taking into consideration the effects of past, current, and probable future projects, the environmental effect is significant.” (*Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 226, 285.)

There are a number of cannabis operations occurring in the Mad River area, drawing on limited water and posing a potential threat to the drinking water source and sensitive habitats. This is only one of many similar operations in the area. While the County may find reason to conclude each project individually is exempt, a point not conceded by the District, permitting each of these operations based on an exemption avoids adequate analysis of impacts of the cumulative impact on the river.

* * *

For the above reasons, the District requests the Planning Department require full environmental review of Conditional Use Permit application 16-049 for Cannabis Cultivation Sites. Additionally, we request that the District be notified when the level of environmental review is determined and when the draft environmental document is available for review by the public.

In closing, we respectfully request all referral comments be included in the Planning Commission Packets. This will allow the Commissioners to have a full understanding of the agencies/public concerns.

Respectfully,


John Friedenbach,
General Manager

Cc: Gordon Leppig, CDFW
Kason Grady, NCRWQCB, Division Chief Cannabis Regulatory



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



9/14/2017

PROJECT REFERRAL TO: Humboldt County Sheriff

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, District Attorney, Ag Commissioner, NCUR Air Quality Control Board, SWCB, Division of Water Rights, Humboldt County Sheriff, Kneeland Elementary School School District, Eureka High School School District

Applicant Name Yoel Bilsky **Key Parcel Number** 314-193-008-000

Application (APPS#) 10678 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-049

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

Return Response No Later Than 9/29/2017

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: APPLICANT WAS SUSPECT IN DR#200901341
M/S CULT CASE.

DATE: 09-20-17

PRINT NAME: MI FRIDLEY LIEUTENANT