



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: November 5, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **King Range Botanicals, LLC, Special Permits**
Record Number: PLN-11351-SP
Assessor's Parcel Number: 222-211-011
2525 Old Briceland Road, Garberville area

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Please contact Stephen Luther Planner, at 707-268-3737, or by email at sluther@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 5, 2020	Subject Special Permits	Contact Stephen Luther
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Project Description: A Special Permit for an existing 10,000-square-foot outdoor cannabis cultivation operation in two cultivation areas. Cultivation occurs in greenhouses without the use of supplemental light, and full-sun outdoor patches. Propagation occurs on-site in a 1,152-square-foot nursery greenhouse. Estimated annual water use is 109,000 gallons. Irrigation water is sourced from an off-stream pond that is connected to a surface water diversion on an unnamed class III tributary to Connick Creek. Water storage for irrigation consists of 9,500 gallons in four (4) tanks and a 150,000-gallon pond for a total of 159,500 gallons of storage. Drying and curing occurs on site in existing buildings. Processing, including trimming and packaging, would occur off-site at the applicant's adjacent parcel, or taken off-site at a licensed processing facility. Four workers are needed at peak activity. Power for the operation is provided by PG & E. A Special Permit is also requested to allow for existing development adjacent to the stream channel for the diversion from an unnamed watercourse that is a tributary to Connick Creek.

Project Location: The project is located in the Garberville area, on the North side of Old Briceland Road, approximately 2.14 miles West from the intersection of Old Briceland Road and Connick Creek Road, on the property known as 2525 Old Briceland Road.

Present Plan Land Use Designation: Residential Agriculture (RA20)- Minimum parcel size 20 acres, Airport Safety (AP); Garberville/Redway/Benbow/Alderpoint Community Plan (GRBAP), Density: 20 to 60 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Agriculture Exclusive (AE), Special Building Site Combining Zone (B-6)

Record Number: PLN-11351-SP

Assessor's Parcel Number: 222-211-011

Applicant

King Range Botanicals, LLC
Timothy Metz
1425 Buttermilk Lane
Arcata, CA 95521

Owner

Timothy Metz
1593 Old Briceland Road
Garberville, CA 95542

Agent

NorthPoint Consulting Group
PO Box 44
Eureka, CA 95502

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

Major Issue: None.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

King Range Botanicals, LLC
Record Number: PLN-11351-SP
Assessor's Parcel Number: 222-211-011

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed King Range Botanicals, LLC, project subject to the recommended conditions.

Executive Summary

The proposed Special Permit would allow an existing outdoor commercial cannabis cultivation area of approximately 10,000 square feet (sf). The subject parcel is currently developed with a single-family dwelling on-site, two (2) agricultural buildings used in cannabis operations, a propagation nursery, and two storage sheds. No new structures are proposed. The project includes a Special Permit for diversion work within the stream channel for the point of diversion. The diversion did not exist prior to April 25, 1995 and is, therefore, subject to a Special Permit under the Streamside Management Area Ordinance of Humboldt County Code.

The cultivation season extends from February to October. Cultivation occurs in two areas. Cultivation Area (CA) #1 consists of 5,000 sf in eight (8) greenhouses and CA#2 is 4,000 sf in seven (7) greenhouses and 1,000 sf full-sun outdoor. Seeds and clones purchased from licensed off-site providers are raised in an existing propagation facility. One hoop house with fluorescent lighting is utilized for seed starts. Plants are then moved to the cultivation areas and grown outdoors. After harvest, plants are hung in two existing locations to dry/cure. Applicant utilizes a 328-square-foot drying room in the accessory dwelling and a 568-square-foot agricultural accessory building. Processing will occur off-site at a licensed 3rd-party facility. Upon completion of a commercial processing building on APN 222-211-012, the applicant will take product to that adjacent parcel owned and operated in common. Lighting in all outdoor cultivation areas will be natural, and no mixed light cultivation is proposed. Pacific Gas & Electric (P. G. & E.) provides electricity to the site, and no generators are used during any of the scheduled activities.

The projected water usage is 109,000 gallons per year. The water source for irrigation is a point of diversion on an unnamed Class III tributary to Connick Creek that is stored in an off-stream pond. The applicant has a final Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) for the point of diversion, repair and maintenance of two existing culverts, and maintenance of a pond spillway. Water will be diverted between October 31st and March 1st. There is 40,000 gallons of domestic water storage capacity in three (3) tanks. Water storage for irrigation consists of 9,500 gallons (gal) in four (4) tanks and a 150,000-gal pond for a total of 159,500 gallons of irrigation water storage. 35,000 gallons of additional storage capacity in 2 tanks is dedicated to domestic uses. The site plan notes an existing unpermitted well on the property, for which the applicant has filed an *Initial Statement of Water Diversion and Use* with the State Water Resources Control Board (SWRCB). The well must be legalized or destroyed according to the Division of Environmental Health referral comments. A registration for *Small Domestic Use Registration* has

been submitted to the SWRCB for the unnamed spring diversion to allow for water storage for domestic use for more than 30 days. *Small Irrigation Use Registration* has been submitted to allow for water storage over 30 days for irrigation uses.

Drip lines are used for irrigation, and water meters will be used to quantify water use for storage and irrigation. The cultivation areas are located approximately 300 yards from the water source and fenced to protect habitat. The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (Order No. R1-2015-0023) as a Tier 2 discharger. A Water Resources Protection Plan (WRPP) or Site Management Plan (SMP) as required by the State Water Board General Order must be provided as a condition of project approval.

A total of four (4) employees are estimated during peak operating season. Employees will commute to the site. No employee housing is proposed. Portable toilets will be used for cultivation staff. The project is in the State Responsibility Area (SRA) for wildfire. Required improvements to meet SRA standards are a turn around for emergency vehicle, maintenance of defensible space, and installation of a 2,500-gallon water tank near the residence.

The project occurs in an Airport Protected Airspace due to its proximity approximately 0.75 miles from the Garberville Airport. The elevation of the project area at 1,440 feet results in all above-ground structures and trees penetrating the imaginary surface of the protected airspace. The applicant submitted FAA Form 7460 and obtained a Determination of No Hazard To Air Mitigation issued on 08/13/2019 (see Attachment 4). According to the Federal Aviation Administration (FAA), the structures would not be a hazard to air navigation. No marking or lighting is necessary for flight safety. If any construction or alteration is made to the building height on the parcel, a notice must be submitted to the FAA. The project was referred to the Director of Aviation of County airports on 8/6/2020, and the response recommended approval. Humboldt County Code Section 333-8 allows the Director of the Department of Aviation to administratively grant a variance when portions of a structure of a tree penetrate the airport protected airspace and the FAA has determined no hazard. The project is, therefore, in conformance with County airport approach zone building height restrictions. A condition is included requiring the applicant record an overflight easement on the property in order to comply with the Airport Safety Land Use Compatibility requirements.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and state requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

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

findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-11351-SP
Assessor's Parcel Number: 222-211-011**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the King Range Botanicals, LLC, Special Permits request.

WHEREAS, King Range Botanicals, LLC, submitted an application and evidence in support of approving the Special Permit to permit an existing 10,000-square-foot outdoor commercial cannabis operation; irrigation water provided by off-stream pond; drying on-site and processing off-site at APN 222-211-012 that is also owned by the applicant. The applicant is also seeking Special Permit to allow continued use of a point of diversion located within the Streamside Management Area on a Class III tributary to Connick Creek;

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, The County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration 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, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record No. PLN-11351-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on November 5, 2020.

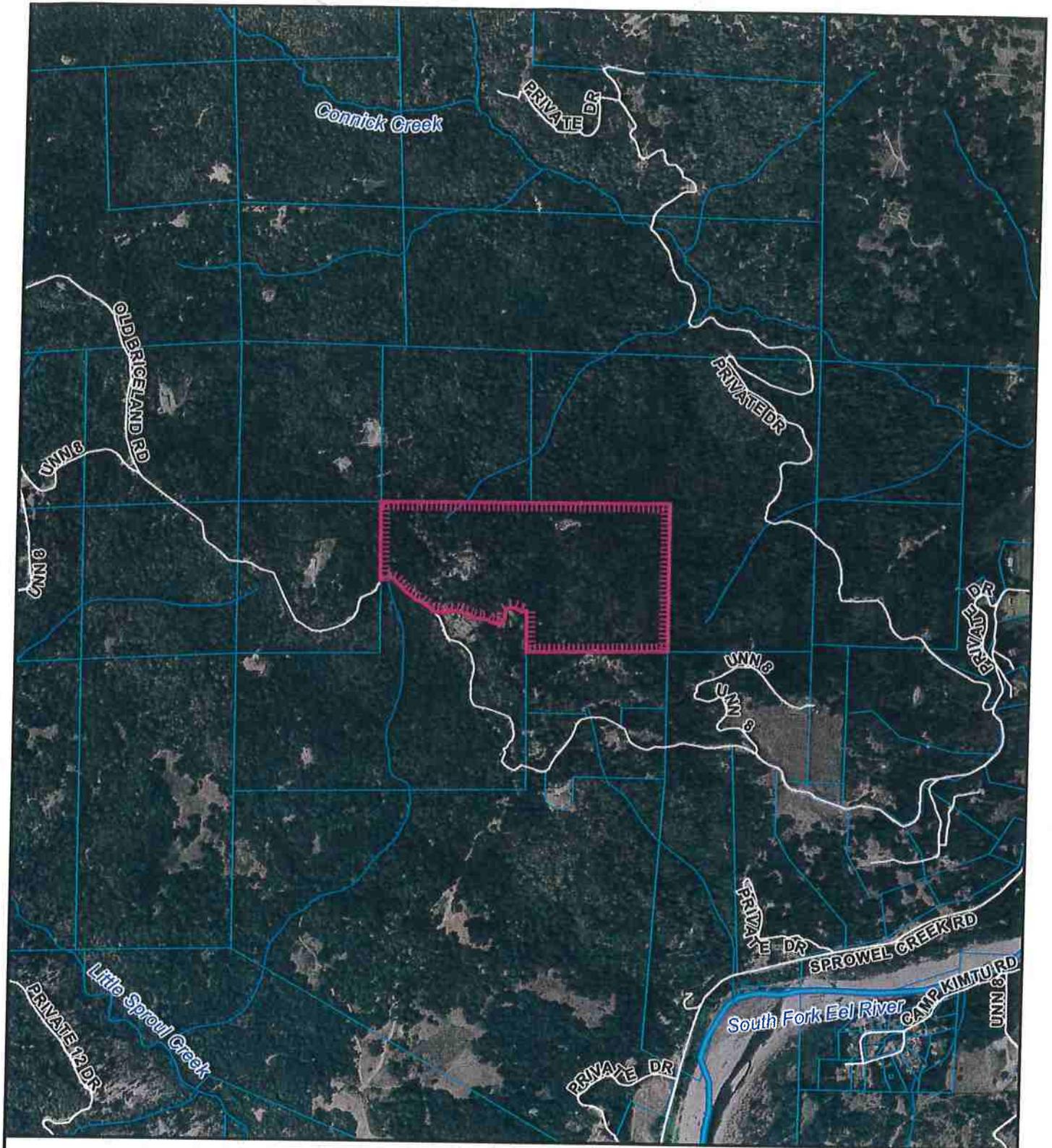
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator further makes the required findings in Attachment 2 of the Planning Division staff report for Record No. PLN-11351-SP based on the submitted substantial evidence; and
3. Special Permit Record No. PLN-11351-SP is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on November 5, 2020.

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

John Ford
Zoning Administrator,
Planning and Building Department
County of Humboldt

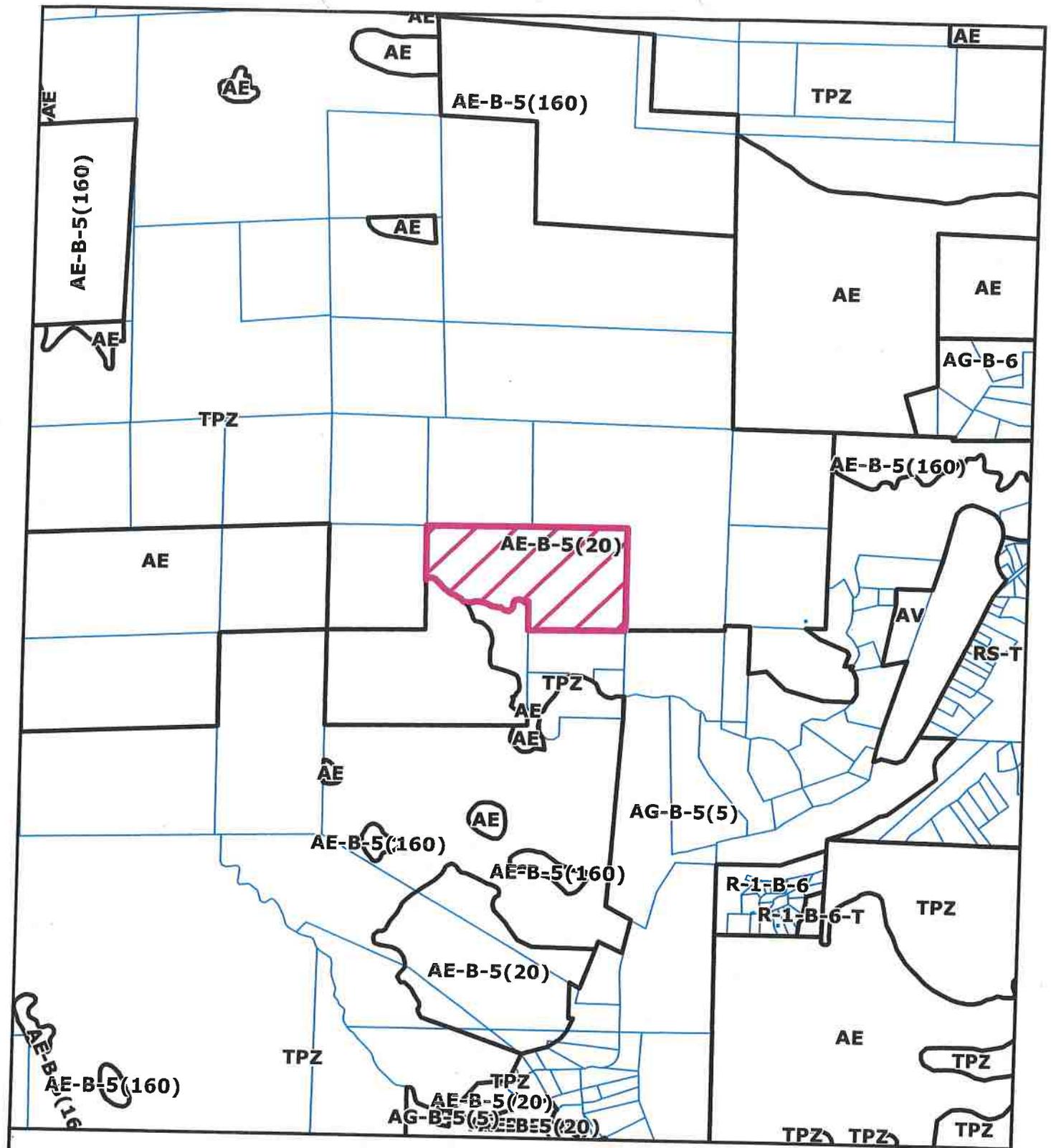


AERIAL MAP
PROPOSED KING RANGE FARMS BOTANICALS, LLC
GARBERVILLE AREA
SP-16-209
APN: 222-211-011
T04S R03E S27 HB&M (GARBERVILLE)

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.

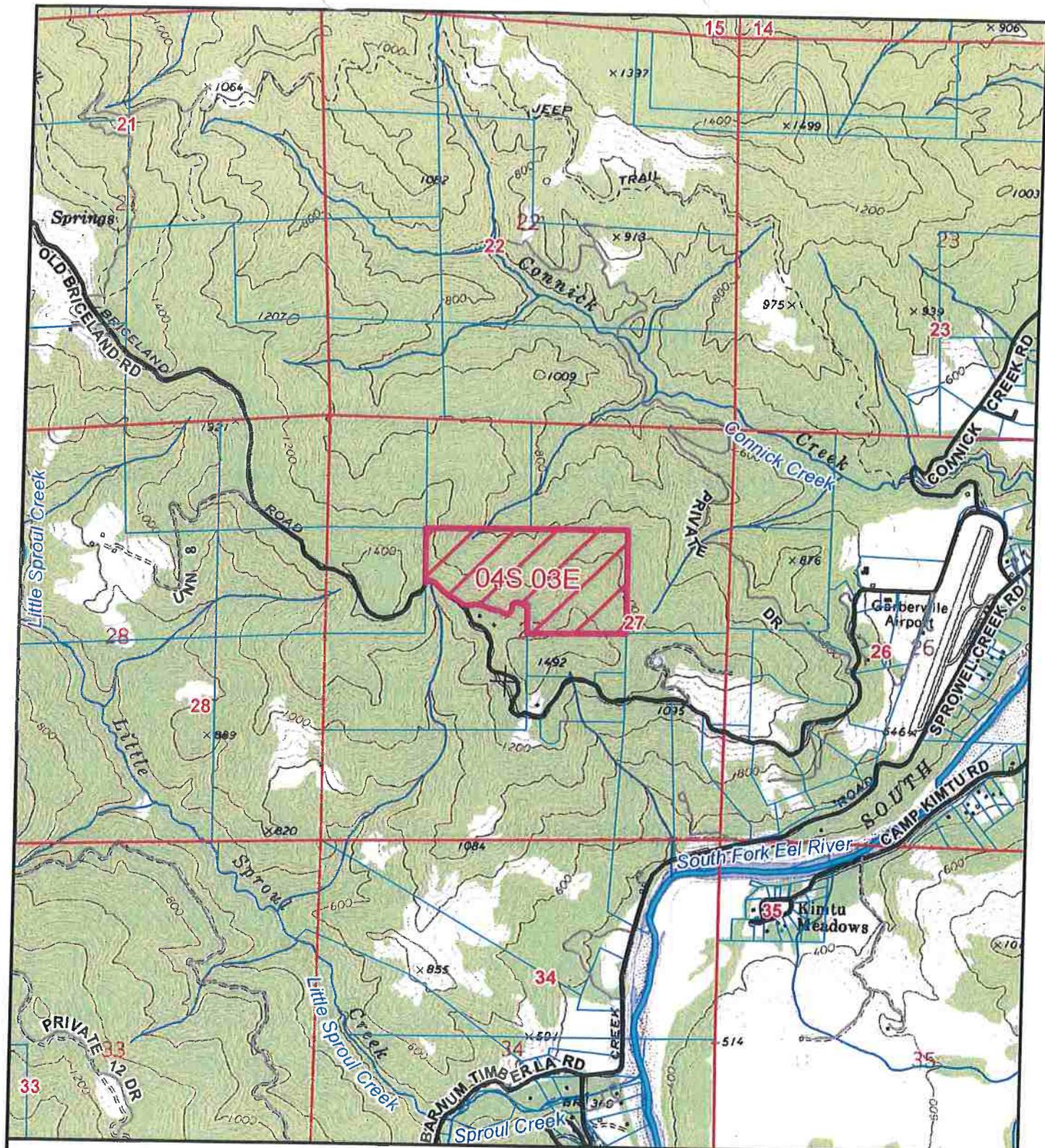


ZONING MAP
PROPOSED KING RANGE FARMS BOTANICALS, LLC
GARBERVILLE AREA
SP-16-209
APN: 222-211-011
T04S R03E S27 HB&M (GARBERVILLE)

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.



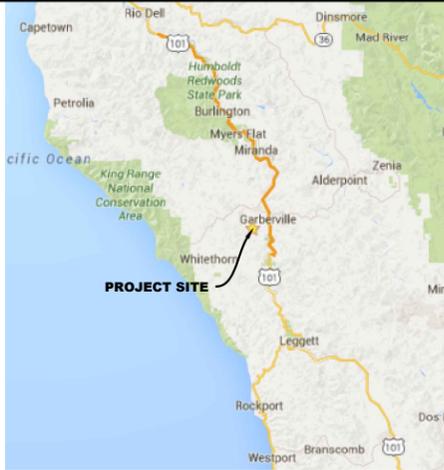


TOPO MAP
PROPOSED KING RANGE FARMS BOTANICALS, LLC
GARBERVILLE AREA
SP-16-209
APN: 222-211-011
T04S R03E S27 HB&M (GARBERVILLE)

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.



VICINITY MAP
NOT TO SCALE

DIRECTIONS TO SITE:

FROM EUREKA, CA
 -TAKE CA-101 SOUTH FOR 66 MILES
 -TAKE EXIT 639A FOR SPROWL CREEK
 IN GARBERVILLE
 -FOLLOW SPROWL CREEK ROAD FOR 2 MILES
 -TURN RIGHT ONTO OLD BRICELAND ROAD AND FOLLOW FOR 1.8 MILES
 -PROPERTY ENTRANCE WILL BE ON THE RIGHT
 -2525 OLD BRICELAND ROAD

KING RANGE BOTANICALS LLC SPECIAL PERMIT FOR EXISTING CULTIVATION

APN: 222-211-011

PROJECT DESCRIPTION

KING RANGE BOTANICALS LLC IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 10,000 SQUARE FEET (SF) OF OUTDOOR CANNABIS. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE. THE DEVELOPMENT ALSO INCLUDES A 328 SF CULTIVATION FACILITY FOR DRYING, CURING, GRADING AND TRIMMING OF CANNABIS TO SERVE KING RANGE BOTANICALS.

GENERAL NOTES

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. EXISTING STORAGE SHED
4. EXISTING DEVELOPMENT EXIST ON THIS PARCEL WITHOUT THE BENEFIT OF COUNTY REVIEW.

IRRIGATION AND DOMESTIC WATER USE

THE PRIMARY WATER SOURCE FOR DOMESTIC AND IRRIGATION USE IS A SPRING BOX POINT OF DIVERSION (POD) LOCATED AT 40.0878°, -123.8373° ON AN UNNAMED CLASS III TRIBUTARY TO THE CONNICK CREEK. THIS POD IS CURRENTLY CLAIMED UNDER THE STATEMENT OF DIVERSION AND USE APPLICATION NUMBER **S025441** AS WELL AS HAS A PENDING SMALL DOMESTIC USE REGISTRATION UNDER APPLICATION NUMBER **D032660**. THE APPLICANT WILL REGISTER THE POD AS A SMALL IRRIGATION USE UNDER THE DIVISION OF WATER RIGHTS WHEN AVAILABLE IN THE AREA. AN UNPERMITTED WELL POD LOCATED AT 40.0864°, -123.8373° HAS ALSO BEEN CLAIMED FOR DOMESTIC USE UNDER THE STATEMENT OF DIVERSION AND USE APPLICATION NUMBER **S025440**.

NCRWQCB NOTICE OF INTENT

THE SUBJECT PARCEL HAS BEEN ENROLLED IN THE NCRWQCB CANNABIS CULTIVATION WASTE DISCHARGE REGULATORY PROGRAM. WDID NUMBER 1B16200CHUM

PROJECT INFORMATION:

APPLICANT:
 KING RANGE BOTANICALS LLC
 2525 OLD BRICELAND ROAD
 GARBERVILLE, CA 95542

CLIENT:
 TIMOTHY METZ
 1593 OLD BRICELAND ROAD
 GARBERVILLE, CA 95542

OWNERS AGENT:
 NORTHPOINT CONSULTING GROUP, INC
 317 3RD STREET, SUITE 15
 EUREKA, CA 95501
 (707) 798-6438

SITE ADDRESS:
 APN: 222-211-011
 2525 OLD BRICELAND ROAD
 GARBERVILLE, CA 95542

THIS APPLICATION ALSO INCLUDES REVIEW AND PERMITTING OF A PROPOSED SEPTIC SYSTEM.

TREES TO BE REMOVED: = 0
EARTHWORK QUANTITIES: = TBD

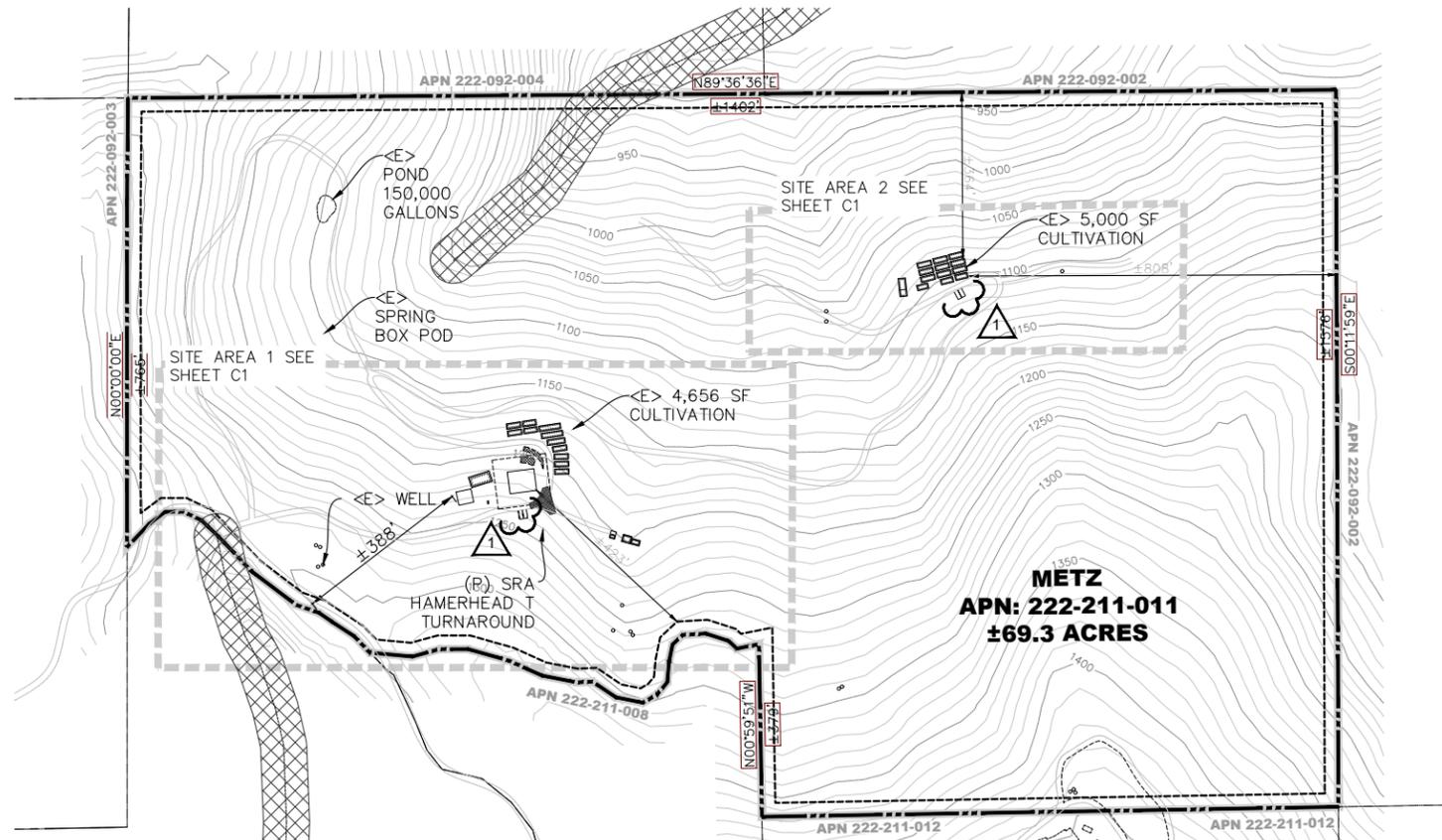
WATER: = PRIVATE
SEWER: = PRIVATE
PARCEL SIZE: = ±69.25 ACRES
ZONING: = AE-B-5(20) = AGRICULTURAL EXCLUSIVE

MAX. BLDG. HT.: = 35'
MAX. GROUND COVERAGE: = TBD
SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = NO

BUILDING SETBACKS:

	AE	SRA
FRONT	30'	30'
SIDE	20'	30'
REAR	10'	30'

- EXISTING OUTDOOR CULTIVATION = 10,000 SF
- EXISTING CULTIVATION FACILITY = 328 SF



SHEET INDEX

C0- SITE PLAN, VICINITY MAP, AND PROJECT NOTES
 C1- EXISTING AND PROPOSED SITE AREAS 1 AND 2 DEVELOPMENT PLAN



SITE PLAN

22x34 SHEET: 1"=200'
 11x17 SHEET: 1"=400'

EXISTING OUTDOOR CULTIVATION AREA

DATE	REVISIONS
1/15/19	PARKING SPACES AND GREENHOUSE DIMENSIONS



KING RANGE BOTANICALS LLC / APN: 222-211-011
 2525 OLD BRICELAND ROAD, GARBERVILLE, CALIFORNIA
 SITE PLAN, VICINITY MAP, & PROJECT NOTES

PROJ. MGR.: PBS
 DRAWN BY: RC
 DATE: 1/14/19
 SCALE: AS SHOWN

SHEET
C0
 18-44

ATTACHMENT 1
Recommended Conditions of Approval

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 9. 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.
2. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, agricultural buildings, sheds, and barns used in cultivation. Existing structures shall not be used or occupied until permits are obtained. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
3. The access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects Old Briceland Road. 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. 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.
4. All 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.
5. Applicant shall cause an overflight easement to be recorded on the property in order to comply with the Airport Safety Land Use Compatibility requirements.
6. The applicant shall obtain a Site Management Plan and shall complete and implement all outstanding corrective actions and Best Practical Treatment and Control Measures detailed developed for the parcel, prepared pursuant to the State Water Resources Control Board's Cannabis General Order 2017-0023-DWQ and meeting previous requirements for Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Cultivation Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. 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 NCRWQCB. A letter or similar communication from the NCRWQCB or the Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board].

7. The applicant shall obtain a Small Irrigation Use Registration or other appropriative right with the State Water Resources Control Board, Division of Water Rights. A letter or similar communication from the State Water Resources Control Board, Division of Water Rights will satisfy this condition.
8. The well identified on the property must be legalized or destroyed. Provide documentation to DEH to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.
9. Prior to reissuance of annual permit, provide an invoice or equivalent documentation to the Division of Environmental Health (DEH) to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.
10. Artificial lighting used for propagation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date, the applicant shall demonstrate to Planning Department staff that the structures and greenhouses can be demonstrated to comply with this standard.
11. Water meters shall be installed at the point of diversion and the water line served by the storage tanks to measure water usage for irrigation. Logs of monthly water use shall be kept on site and made available during the annual inspection.
12. 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.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any 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.
14. The applicant shall comply with the terms of the Lake and Streambed Alteration Agreement entered into with the California Department of Fish and Wildlife on May 10, 2017. A letter or similar communication from CDFW indicating this requirement has been met will satisfy this condition.
15. Prior to initiating commercial cannabis cultivation or associated activities 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.
16. 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 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, CA.

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

1. 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.
2. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. 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.
4. 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 towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
5. 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.
6. 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.
7. 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 County Code Section 55.4.11(d).
8. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB 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.
9. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.

10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application, review for conformance with conditions and annual inspection fees.
13. Power is to be supplied by PG&E.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. Participate in and bear costs for permittee's participation in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
17. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
18. 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.
19. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
20. Artificial light used in cultivation and clone/start propagation operations will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO.

Performance Standards for Cultivation and Processing Operations

18. 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."
19. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

20. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.

21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. 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.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. 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.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

22. All cultivators shall comply with the approved Processing Plan as to the following:
 - i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.

23. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire after one (1) year after date of

issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance 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 of the CMMLUO.

24. 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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

25. 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:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.

26. Inspections. The permit holder and subject property owner are to permit the County or

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

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of 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 of 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 #1 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 #23 of the On-Going 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and 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 Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing and post-approval review 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 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.
5. 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.

6. 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

Staff Analysis of the Substantial Evidence Supporting the Required Findings

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan, the Open Space Plan, and the Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. **The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the General Plan, the Open Space Plan, and the Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations 4.8</p>	<p>Residential Agriculture (RA): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems.</p> <p>Airport Safety (AP): An Airport Land Use Compatibility Zone Overlay for all public use airports that limits the maximum allowable residential density</p> <p>Density range is 40 -160 acres/unit.</p>	<p>The proposed project includes approximately 10,000 square feet of outdoor cannabis cultivation on lands designated as Residential Agriculture. General agriculture is allowable use type for this designation.</p> <p>The Airport Safety designation is designed to ensure appropriate development within the flight zone. The proposed use is within Zone C, which is located in a zone with a common traffic pattern and has limited risk. Table 14-A of the HCGP lists agriculture as an allowed use within Zone C. As a condition of approval, the applicant is required to record an overflight easement on the property.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The subject parcel is accessed via Old Briceland Road. A Road Evaluation Report has been prepared by the applicant, self-certifying that the entire road segment is developed to the equivalent of a Category 4 road standard.</p> <p>Public Works has commented and requested conditions of approval. The private driveway intersection with Old Briceland Road shall be maintained in accordance with the County Site Visibility Ordinance and have a paved encroachment 20 feet wide and 50 feet long. All fences and gates shall be relocated out of the County right of way. These have been included as Conditions of Approval for the project.</p> <p>See Section 2, Airport Land Use Compatibility findings for additional information.</p>
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land</p>

	<p>projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>Inventory. However, the project will not preclude any future residential development. The project will 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.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because the project site is planned Residential Agriculture and is zoned Agriculture Exclusive. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designation. There is a Class III watercourse that is a tributary to Connick Creek the located in the central, southern portion of the subject parcel. See Section 10.3 <i>Biological Resources</i> for additional information.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>There are no sensitive or threatened species mapped on the parcel according to the California Natural Diversity Database (CNDDB). There is one mapped Streamside Management Area (SMA), an unnamed Class III watercourse that is a tributary to Connick Creek, located on the subject parcel. See <i>Section 2- Streamside Management Areas</i> for further discussion. Northern Spotted Owl (NSO) activity center is more than 1.25 miles away from the project site. Marbled Murrelet range is 2.25 miles from the project. Potential impacts to habitat are minimized by the lack of generator noise, however artificial lighting is used in the propagation greenhouse. Conditions of approval require the use of artificial lighting to meet Dark Sky standards as required by the CMMLUO. Noise from the operation is required to meet standards in the CMMLUO to limit noise to 60 dB at the property line. As conditioned, the project complies with this section. The California</p>

		Department of Fish and Wildlife commented on the project (see Attachment 5). Standard conditions of approval are included to leave wildlife unharmed and dispose of waste properly.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources) Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.	The project was referred to NWIC who indicated that they have no record of a cultural resource study for the project area. The project was referred to the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. The Bear River Band responded indicating an archaeological survey is not required at this time. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.
Conservation and Open Space Chapter 10 Scenic Resources Section 10.7	Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2) Related policies: SR-S4. Light and Glare	Outdoor cannabis cultivation does not require lighting. However, the use of artificial lighting is proposed as part of plant stock propagation activities. The CMMLUO requires that artificial lighting comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The project complies with International Dark Skies Association standards by covering greenhouses with lightproof covers during hours when supplemental lighting is applied. Conditions of approval require the applicant to demonstrate compliance with these standards within 30 days of the effective date of the permit. As conditioned, the project complies with this section.
Water Resources Chapter 11	Goals and policies contained in this Chapter relate to coordinated watershed	The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023

<p>Stormwater Drainage</p>	<p>planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>(Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. Restoration Forestry will prepare the WRPP, receipt and implementation of which is a condition of project approval. The cultivation is located on a ridgetop, on slopes between 15-30% according to County GIS. The cultivation areas are more than 300 feet away from any watercourse. Access roads are maintained to prevent erosion. Soil spoils are covered and located away from watercourses to prevent sediment delivery from the cultivation area to streams.</p> <p>The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to the Notice of Applicability and the Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order 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. The project is consistent with the Water Resource policies of the General Plan.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The applicant has an existing Onsite Wastewater Treatment System (OWTS) associated with the residence. The site is located on slopes of less than 30% or within 50 feet of an unstable land form. The project was referred to the County Department of Environmental Health which has recommended approval of the project on the condition that the septic system is inspected by a qualified professional and meets a Tier 0 status, or provide receipts of portable toilets to meet the needs of cultivation staff. As conditioned, the project complies with this section.</p>

<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Power is supplied by Pacific Gas & Electric Company (PG&E) Generators are not proposed to be used for cannabis cultivation or processing. Ventilation fans in the greenhouses will be powered by P. G. & E. Northern Spotted Owl (NSO) activity center is more than 1.25 miles away from the project site. Marbled Murrelet range is 2.25 miles from the project. The subject parcel is not located in an area that requires special noise attenuation measures due to proximity to known noise sources. As required by the CMMLUO, noise from the project cannot exceed 60 dB at the property line or be audible to neighboring residences.</p>
<p>Safety Element Chapter 14 Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The parcel is mapped as having slopes with moderate instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. A portion of the subject parcel is mapped as having historic landslides. The slopes are variable from less than 15% to 50%. The cultivation area and appurtenant operations are outside of the area of historic landslide. Conditions of approval require the applicant to obtain a grading permit for grading conducted for development of the cultivation areas without the benefit of County review. Based on the project and evidence before staff, the project does not pose any other threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14 Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 15 miles distance from the coast, is outside the areas subject to tsunami run-up.</p>

<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel and the surrounding area are located in area with a moderate to high fire hazard rating. The subject property is located within the Garberville Fire Protection Response Area and the State Fire Responsibility Area for fire protection (CAL FIRE). CAL FIRE's comments recommended compliance with the requirements of the County's Fire Safe Regulations. With respect to the Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>), all existing and proposed improvements are setback at least 30 feet from all property lines. Applicant has proposed a designated fire turn-around and pullout area for emergency vehicles, management of trees and vegetation to maintain the 100 foot defensible space, and installation of a hydrant near the residence that is connected to a 2,500-gallon water tank designated for fire suppression. There will be a maximum of 4 employees onsite. There is 159,000 gallons of water storage in an off-stream pond and hard-sided tanks that can be used for fire protection in an emergency. The project, therefore, complies with this section.</p>
<p>Community Infrastructure and Services Element Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p> <p>For discretionary permits findings shall be made that no service is available, and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.</p>	<p>The project is located within the Garberville Volunteer Fire Department's Fire Response Area per the County GIS and it is assumed that no service would be available from the district, and that no acknowledgment would be received. For this reason, the project is conditioned that the applicant records an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" from the Garberville Fire Protection District.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet</p>	<p>Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District</p>

	<p>current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>(NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>
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2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 222-211-011 is one legal parcel as described as Lot 11, Parcel Map 2450, Book 21 of Parcel Maps, pages 144-145. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Agriculture Exclusive	Agriculture Exclusive (AE): Principally permitted uses include all general agricultural uses, including accessory agricultural uses and structures.	The proposed project is a Special Permit with a total of 10,000 square feet of outdoor cannabis cultivation on a parcel zoned AE. The proposed use is an agricultural use that is specifically allowed with a Special Permit in this zoning district under Section 314-55 of the Humboldt County Code.
Min. Lot Size	20 acres	70.65 acres
Min. Lot Width	One hundred feet	>100 feet
35%	35%	<35%
Minimum Yard Setbacks	Front: 30 feet Side: 20 feet Rear: 10 feet SRA: 30 feet, all sides	>30 feet all sides
Max. Building Height	None specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	The project includes a Point of Diversion (POD) that requires a Special Permit for development within the stream channel. The diversion consists of a gravity fed intake directly from a seasonal spring that is an unnamed watercourse that is tributary to Connick Creek. The diversion did not commence prior to April 25, 1995. A Lake and Streambed Alteration Agreement permits the diversion with a maximum intake of 2 gallons per minute. The LSAA requires the applicant to replace the existing POD with infrastructure to meet stream channel width and depth standards. Per Section 314-61.1 et seq. of the Humboldt County zoning code, a Special Permit is required for development of diversion infrastructure within the Streamside Management Area (SMA). The applicant

		<p>must comply with all terms of the final Lake or Streambed Alteration Agreement that permits improvements to the water diversion infrastructure. By maintaining and using the diversion as authorized by the LSA Agreement, appropriate flows will be maintained for the health of the aquatic environment. The US Army Corps of Engineers provided a referral response requesting a wetland delineation for any wet areas. No fill has been placed in wetlands that would require a wetland delineation.</p>
<p>§314-109.1 Off-Street Parking</p>	<p>Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use.</p> <p>Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>4 spaces</p>
<p>§314-333-1 Airport Approach Zone Building Height Regulations</p>	<p>This chapter regulates and restricts the height of structures and objects of natural growth, and otherwise regulates the use of property in the vicinity of airports, by Airport Protected Airspace</p>	<p>Project activities are approximately 0.75 miles from the Garberville Airport. The parcel is within the mapped Airport Protected Airspace according to Humboldt Count WebGIS Hazards layer The elevation of the project area at 1,440 feet results in all above-ground structures and trees penetrating the imaginary surface of the protected airspace. The applicant submitted FAA Form 7460 and obtained a <i>Determination of No Hazard To Air Mitigation</i> issued on 08/13/2019 (see Attachment 4). According to the Federal Aviation Administration (FAA), the structures would not be a hazard to air navigation. No marking or lighting is necessary for flight safety. If any construction or alteration is made to the building height on the parcel, a notice must be submitted to the FAA.</p>

		variance when portions of a structure of a tree penetrate the airport protected airspace and the FAA has determined no hazard. The County Director of Aviation has approved the project. The project is therefore in conformance with County airport approach zone building height restrictions.
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timber Conversion	Commercial cannabis cultivation is allowed on parcels zoned AE that had existing cultivation prior to January 1, 2016.	Based on a review of available aerial imagery through Google Earth, the cultivation and appurtenant operations take place in non-forested areas that existed prior to January 1, 2016. No timber conversion occurred or is proposed as part of the project. Based on this evidence, the project complies with the referenced section.
§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1 acre, zoned AE.	The proposed action is a Special Permit for 10,000 square feet of existing outdoor cultivation on APN 221-211-011, which is a 70-acre parcel zoned AE. Aerial imagery submitted by the applicant and verified by Department staff shows existing cultivation on the parcel prior to January 1, 2016. Satellite imagery from NAIP 2014 shows approximately 10,000 sf of cultivation in two outdoor areas. The existing cultivation areas are in the same location and configuration as existed. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, King Range Botanicals, LLC, has one other application (APPS #11352) for a cannabis permit, and is entitled to four. This application is for a single permit for outdoor cultivation.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Cannabis will be dried on site with all remaining processing to occur off site at a licensed processing facility.

§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received. Contents of the application are on file.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards- Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.	The projected water usage is 109,000 gallons per year (10.9 gal/sf). Water for irrigation and domestic use is a point of diversion. The spring POD tributary to Connick Creek is registered under a <i>Statement of Diversion and Use, Small Domestic Use Registration</i> with the State Water Resources Control Board, and will file a <i>Small Irrigation Use Registration</i> as a condition of approval. An unpermitted well provides domestic water. Water storage totals 195,500 gallons in hard tanks and rainwater catchment ponds. As conditioned, the project complies with the performance standards for water.
§314-55.4.11.d Performance Standards- Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	There are no schools or school bus stops within 600 feet of the cultivation operation. There are no parks as defined HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. Per comments provided by the Bear River Band THPO, there are no TCRs present on the site. The site plan shows the project complies with property line setback.
§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be	The project is serviced by PG&E grid power with a 9.6kw solar array. Generator power would only be used as emergency backup. An ongoing operational condition requires that any noise from an emergency backup generator be less than 60 decibels as measured at the property line.

	evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the Special Permit application on October 26, 2016.

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and 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.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage. All commenting agencies have recommended approval or conditional approval of the project.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall 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.	The parcel was not included in the 2019 Housing Inventory.

6. Environmental Impact: The following evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, authorization to use a point of diversion that supplies water for irrigation, up to four employees, with power provided by PG&E and solar, and processing activities occurring at adjacent parcel APN 222-211-012. The environmental document on file include detailed discussions of all the relevant environmental issues.

**ATTACHMENT 3
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 222-211-011, 1595 Old Briceland Road, Garberville, County of Humboldt

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

October 2020

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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. 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. Additionally, the MND specified that new uses would only be permitted in specific areas that can accommodate the agricultural infrastructure associated with cannabis cultivation and where it can be shown that the operation is meeting rigorous standards that ensure the protection of the environment.

The modified project involves a Special Permit for 10,000 square feet of existing cannabis. There is a 1,152-square-foot propagation nursery using supplemental light. Irrigation water is sourced from a rainwater collection pond that is connected to a surface water diversion on an unnamed class III tributary to Connick Creek. Water storage for irrigation consists of 9,500 gallons in four (4) tanks and a 150,000-gallon pond for a total of 159,500 gallons of storage. 35,000 gallons of additional storage capacity in 2 tanks is dedicated to domestic uses. Drying and curing occurs on site in existing buildings. Processing, including trimming and packaging, would occur off-site at the applicant's adjacent parcel 222-211-012, or taken off-site at a licensed processing facility. Power for the operation is provided by P.G.&E and solar.

Drip lines are used for irrigation, and water meters will be used to quantify water use for storage and irrigation. The cultivation areas are located approximately 300 yards from the water source and fenced to protect habitat. The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (Order No. R1-2015-0023) as a Tier 2 discharger. A Water Resources Protection Plan (WRPP) or Site Management Plan (SMP) as required by the State Water Board General Order must be provided as a condition of project approval.

The project site consists of variable topography with slopes from less than 15% to 50%. Cultivation areas are located on graded flats that have a less than 15% slope. The parcel is a mix of timber and naturally occurring grasslands. No rare or sensitive species are mapped on the parcel based on a review of the California Natural Diversity Database. Northern Spotted Owl (NSO) activity center is more than 1.25 miles away from the project site. Marbled Murrelet range is 2.25 miles from the project. Artificial lighting is proposed for use within propagation greenhouse. By adhering to standards for noise to be less than 60 decibels at the property line and shielding light, impacts to the Northern Spotted Owl and Marbled murrelet are adequately addressed.

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 for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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; or
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 a 10,000-square-foot commercial cannabis operation and minor improvements necessary to bring the operation into compliance with the CMMLUO 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:

- Cultivation and Operations Plan
- 1600-2016-0532-R1) with California Department of Fish and Wildlife

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 totaling 4,800 sf 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 4

Applicant's Evidence In Support of the Required Findings

Attachment 4 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. (Not Applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
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; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file - *Initial Statement of Water Diversion and Use* for APN 222-211-011)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – Described in operations plan)
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. (On file)
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 Department of Fish & Wildlife. (Attached - Final Lake and Streambed Alteration Agreement (1600-2016-0532-R1) with California Department of Fish and Wildlife)

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. (Not applicable)
11. Consent for onsite 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. *Road Evaluation Report* for Timothy Metz dated February 1, 2018. (Attached)
16. DEH Worksheet. (On file)
17. Determination of No Hazard to Air Navigation issued 08/13/2019. (Attached)

**KING RANGE BOTANICALS, LLC
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**PROPOSED MEDICAL CANNABIS
CULTIVATION FACILITIES**

PREPARED FOR:



January 2019

**Cultivation and Operations Manual
For
King Range Botanicals, LLC
APN: 222-211-011
Application #: 11351**

Proposed Medical Cannabis Cultivation Facilities

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January 2019

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Appendix A: Plot Plan

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

King Range Botanicals, LLC is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Special Permit for approximately 10,000 square feet (sf) of outdoor medical cannabis cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including an existing nursery greenhouse constructed in 2014, an existing two-story single family strawbale residence constructed in 2003, an existing Ag building #1 used for curing and drying of medical cannabis constructed in 2003, an existing junior barn used for curing of medical cannabis, an existing "Cover-It" structure used for equipment storage and woodshop constructed in 2001, an existing two-story cultivation facility and accessory dwelling constructed in 2010, and an existing 1st floor attached shed for equipment storage. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located at APN 222-211-011 approximately 4 miles west of the community of Garberville at latitude of 40.0871 and longitude of -123.8333. The subject parcel is approximately 70.65 acres in size per the County of Humboldt's WebGIS. The site is at an elevation of approximately 1,200 ft with a class III watercourse flowing to the north. Existing development of the site includes a two-story single family residence, a nursery and facilities for cultivation, curing and drying.

1.3. LAND USE

The subject property has a General Plan Designation Agricultural Land as identified by the Humboldt County General Plan and is zoned Agricultural Exclusive. The surrounding parcels are zoned Agricultural, Agricultural Exclusive and Timber Production Zone.

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

King Range Botanicals, LLC will obtain a Commercial Cannabis Activity license from the State of California at time such a license becomes available.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

The primary water source for domestic and irrigation use is a point of diversion (POD) located at 40.0878°, -123.8373° on an unnamed class III tributary to the Connick Creek. This POD is currently claimed under the Statement of Diversion and Use application number **S025441** as well as has a pending Small Domestic Use Registration under application number **D032660**. The applicant will register the POD as a Small Irrigation Use under the Division of Water Rights when available in the area. An unpermitted well POD located at 40.0864°, -123.8373° has also been claimed for domestic use under the Statement of Diversion and Use application number **S025440**.

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective (March 3rd, 2016) King Range Botanicals, LLC enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID Number **1B16201CHUM**). A Water Resources Protection Plan will be

developed for the project by Restoration Forestry, INC. and will be implemented for activities associated with onsite cultivation since March 2017.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. The site will need to have a hydrant installed near the place of residence to SRA specifications that is connected to at least a 2,500 gallon water tank.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) for the California Department of Fish and Wildlife was signed and agreed on in early 2017; Notification No. 1600-2016-0532-R1. The LSAA included two (2) road stream crossings, a pond spillway, and one (1) point of diversion for King Range Botanicals, LLC water source for domestic and irrigation needs and includes use and maintenance of the water diversion infrastructure.

1.4.7. CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

2. CULTIVATION AND PROCESSING

2.1. PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are grown from seed on site and propagated in a 24'x48' nursery greenhouse made by "Conely" with concrete piers. No artificial lighting is used for seedlings. Seeds are cracked in paper towels in the middle of February, then transplanted to 6-packs. With the first set of true leaves, they are transplanted to 1 gallon containers. Seeds are cracked in the middle of February. Once fully rooted they are transplanted directly into 2-3 gallon containers. After sexing, the seed plants are planted to beds or smart pots starting in early May as plants are sexed and available.

Clones are brought in from an offsite facility. Clones for the dep are grown up for 2 weeks at the cabin and then transferred to the deps and grown with mixed sunlight and light extension using a mixture

of 1000-watt metal halides and T-5' fixtures with as little power consumption as possible. At the end of the 2 weeks, the clones are then transplanted into the outdoor dep.

The juvenile plants are irrigated using hand watering methods. After sexing, the seed plants are planted to beds or smart pots and moved either outdoor cultivation area or outdoor greenhouse starting in early May as plants are sexed and available where they continue their 'vegetative' cycle.

2.2. OUTDOOR CULTIVATION PLAN AND SCHEDULE

The outdoor cultivation will occur in eight (8) greenhouses for a total of 5,000 square feet of outdoor greenhouse cultivation area. An additional 5,000-square feet of outdoor cultivation will occur in an outdoor garden for a combined total outdoor cultivation area of approximately 10,000 square feet. The greenhouses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse is ventilated by intake and exhaust fans. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the outdoor operation for a typical two cycle year.

2.3. IRRIGATION PLAN AND SCHEDULE

Irrigation of plants occurs using top-feed hand watering methods while juveniles. Once the plants are transplanted into the greenhouse's raised beds plants are watered by drip irrigation. Tubing is running the length of the beds with drip emitters placed at the base of the plant. Each emitter delivers the right amount of water directly to the base of the plants so over watering is not occurring. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation. King Range Botanicals, LLC maintains that irrigation is efficiently managed, allowing for daily inspection of each plant by the cultivator.

2.4. HARVESTING, DRYING, AND TRIMMING

The plants are dried in 2 existing locations. There is a 328 square foot drying room #1 constructed in 2010 at the accessory dwelling and a 568 square foot Ag building #1 constructed in 2001 near the strawhouse. The plants are dried in partial harvests utilization 6"x6" agricultural netting hung in rows from the ceiling to the floor. This creates a 3D drying environment that maximizes space and reduces the amount of drying space needed. Plant material is dried for 6-8 days depending on the weather.

Plants that are ready for harvest have their flowering branches removed and suspended in the drying room which is equipped with ventilation fans. The drying process takes approximately one week, at which time the flowers are bucked into manageable buds and placed in storage bins. The storage bins allow safe transportation to an offsite processing facility. Trimming will be done off site at a licensed processing facility. The waste product, or 'trim', is collected and placed into bins to be weighed, labeled, and sealed. Trim will be transferred to an offsite, licensed manufacturing facility.

2.5. EMPLOYEE PLAN

King Range Botanicals, LLC 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.5.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge*: Responsible for business oversight and management of the King Range Botanicals, LLC. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.

- *Lead Cultivator*: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Assistant Cultivator / Processing Manager*: Provides support to the *Lead Cultivator* in their day to day duties and takes the lead role during times when the *Lead Cultivator* may be off site. Once processing activities commence, the *Assistant Cultivator* duties switch to oversight and management of processing the dried medical cannabis. This is a full-time, seasonal position.
- *Seasonal Laborer*: Provides cultivation, harvesting, and processing support including trim machine operation and hand-finish trimming. This is a part-time to full-time, seasonal position.

2.5.2. STAFFING REQUIREMENTS

In addition to the *Agent, Lead Cultivator, and two (2) Assistant Cultivator positions*, are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. Even at the peak harvest and processing season, there are an estimated total of four (4) employees on site.

2.5.3. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

2.5.4. TOILET AND HANDWASHING FACILITIES

At the residence, a finished bathroom with a septic is proposed to be permitted by the Humboldt County Department of Environmental Health. At the two lower sites and upper site, a portable toilet will be onsite and serviced by the provider during the working season.

2.5.5. ON SITE HOUSING

The existing single family residence located on site is occupied by the property owner/Agent in Charge. The residence is separated from cultivation operations. All other full-time and seasonal employees live off site and commute daily to the cultivation site. No new residential structures are proposed as a part of this project.

2.5.6. SEPTIC SYSTEM

At the two lower sites a portable toilet will be onsite and serviced by the provider during the working season. Septic at the upper site is in the process of being permitted by Department of Environmental Health.

2.5.7. PARKING

There will be designated parking at each cultivation site.

2.6. SECURITY PLAN AND HOURS OF OPERATION

2.6.1. FACILITY SECURITY

The site is secured by to locked gates on the access road. Gates will be remained locked at all times. Access to the facilities are limited exclusively to employees, and restricted access signs are posted conspicuously at the entry gates. During the working season the agent in charge will be living in the residence on the property.

2.6.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 8am and extend no later than 9pm.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

The primary water source for domestic and irrigation use is a point of diversion (POD) located at 40.0878°, -123.8373° on an unnamed class III tributary to the Connick Creek. This POD is currently claimed under the Statement of Diversion and Use application number **S025441** as well as has a pending Small Domestic Use Registration under application number **D032660**. The applicant will register the POD as a Small Irrigation Use under the Division of Water Rights when available in the area. An unpermitted well POD located at 40.0864°, -123.8373° has also been claimed for domestic use under the Statement of Diversion and Use application number **S025440**.

Rain harvesting off the parcels buildings and greenhouses will supply the irrigation water if the applicant is unable to register for a Small Irrigation Use (SIUR) through the State Water Resources Control Board. An SIUR will provide for an appropriative right to divert and store water for more than 30 days when it becomes available through the State Water Resource Control Board. The applicant will prepare a Lake and Streambed Alteration Agreement (1600 Agreement) with the California Department of Fish and Wildlife for the catchment, including a Water Availability Analysis by the CDFW for the sub-watershed at the catchment and South Fork Eel River watershed downstream if required by the new principals and guidelines for Small Irrigation Use Registration for the watershed. Refer to section 2.3 for a summary of irrigation practices, and Appendix C for the monthly irrigation schedule.

The irrigation water usage for cultivation during a typical year was estimated based on the number of residence year around, the number of seasonal workers, the existing cultivation area, and the peak seasonal demand (Table 3.1). Variables such as weather conditions and specific cannabis strains will also have a slight effect on water use.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)												
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
0	0	0	7,000	11,000	18,000	25,000	22,000	18,000	8,000	0	0	109,000

3.2. WATER STORAGE

The table below outlines the existing and proposed water storage on the parcel. King Range Botanicals, LLC has an existing water storage capacity of 205,500 gallons. With the existing storage, King Range Botanicals, LLC is estimated to meet the forbearance period set by the DFW (Table 3.2).

Table 3.2: List of Existing and Proposed Water Storage Vessels on Site				
Existing/Proposed	Type	Quantity (Gallons)	Number	Total Storage (Gallons)
	Domestic	25,000	1	25,000
	Domestic	10,000	1	10,000
	Domestic	5,000	1	5,000
	Plastic	500	1	500
	Plastic	2,500	1	2,500
	Plastic	1,000	2	2,000
	Pond	150,000	1	150,000
Total Existing Storage	---		9	195,500

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

King Range Botanicals, LLC was enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage on March 3rd, 2016, and a Water Resources Protection Plan (WRPP) will be developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. Manhard Consulting enrolled King Range Botanicals, LLC and Restoration Forestry, INC. will develop the WRPP.

3.3.1. SITE DRAINAGE AND RUNOFF

Restoration Forestry, INC. will perform a site investigation as well as develop a Water Resources Protection Plan (WRPP) to identify, evaluate and prescribe corrective action to any outstanding issues with site drainage and runoff.

3.3.2. EROSION CONTROL

This property is ridgetop. All roads are well maintained and receive yearly maintenance. Beds are covered with geotextile in the winter to reduce the growth of nonnative plants. Soil is remediated in place like any good agricultural soil. There are no spoils piles from any other activities (i.e. excavation, road maintenance).

The Water Resource Protection Plan (WRPP) will include erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. The WRPP will also include corrective actions to reduce sediment delivery. Additionally, the WRPP will require mulch piles and spoils from any grading to be stored in a designated location away from watercourse.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Water Resource Protection Plan (WRPP) will ensure that the watershed and surrounding habitat are protected. The cultivation activities and associated structures will be outside of all riparian zones, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP.

3.5. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan will be included in the WRPP with photo points identified on the WRPP map.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix C) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

3.6. ENERGY AND GENERATOR USE

The property is serviced by 1 separate PG&E drops. One for each residence. In addition, permitted solar utility intertie has been developed. There is 9.6 kW of solar at the site.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. FUEL STORAGE

Fuel for heating is stored in secondary containment. All equipment is inspected prior to each use (sometimes daily). Maintenance varies based on manufacturers requirements and oil changes for all equipment as well as all other maintenance is done at a certified maintenance facility.

3.7.2. BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications for the use and storage of regulated products. King Range Botanicals, LLC uses simple green and biodegradable dish soap on site for sanitizing and cleaning.

3.7.3. FERTILIZERS

Compost teas is applied once a week and watered through the feeder tank that is connected into the drip irrigation. Storage of fertilizers and pesticides is in the shed at the upper site. The tea is brewed at the upper site in six (6) 50 gallon barrels and include ingredients:

- Nitro Bat Guano
- Mokka Bat Guano
- Fish Emulsion
- Phosphorus Bat

3.7.4. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Elemental Sulfur

All pesticides are stored in the junior barn in secondary containment out of the weather in a specially designated area. See Appendix B - *Regulated Products Resource List* for product details and Material Safety Data Sheets (MSDS).

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling will be kept and stored next to the strawbale house on a gravel walkway. The containers will be placed to prevent storm water contamination and leachate from entering or percolating to receiving waters. Solid waste and recycling is hauled off-site by the property owner on a trailer to the Redway transfer station at least once per week in Redway.

Vegetation matter such as branches and leaves will be chipped and composted at the lower cultivation site. The root balls will be burned in the winter during the appropriate burn days recommended by the local fire department. Soil will be left in the raised beds and cover crop planted in rainy months.

3.8.2. IRRIGATION RUNOFF MANAGEMENT

The water management plan aims to irrigate at agronomic rates, using drip emitters. Refer to section 2.3 for a summary of irrigation practices. No evidence of water movement and erosion in the cultivation area was observed during the site assessment. King Range Botanicals, LLC will apply amendments and fertilizers per label specifications.

3.8.3. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted on site. Some stutzman's chicken manure is added to raise the carbon to nitrogen ratio to facilitate composting. Stalks and wood material is chipped on site. The property owner has a BC 1000 brush chipper. Non-waste trim is packaged for sale. Spent potting soil is stored in the greenhouses the first year and then in a designated contained covered area in subsequent years. The soil containment area is lined to prevent any soil erosion or nutrient seepage. The soils are analyzed every year by Dirty Business Soil Solutions, a third party local consulting firm providing soil testing, analysis, and management services. The results of those tests are given to Humboldt Ag Supply who pre-mixes and delivers our amendments with specific instructions for application rate based on bed size and whether the beds are light deprivation or full term. After consultation, the soils are amended and reused. Used pots will be collected and stored in the junior barn for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

3.8.4. WASTEWATER MANAGEMENT

The water management plan aims to achieve an entirely closed-cycle irrigation and nutrient system. Hand watering methods minimize the over-irrigation of plants and subsequent runoff. Moreover, the greenhouse floors are designed to capture any runoff from irrigation for reuse in the fertilization

holding tank. All runoff recaptured is tested and augmented to plant nutrient specifications, and eventually recycled into the fertigation system.

Dripline/Hand watering methods minimize the over-irrigation of plants and subsequent runoff. Moreover, the greenhouse floors are gravel/dirt and will absorb any excess runoff.

At the two lower sites a portable toilet will be onsite and serviced by the provider during the working season. Septic at the upper site is in the process of being permitted by Department of Environmental Health.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled with the King Range Botanicals, LLC logo, and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems once they become available.

4.2. PRODUCT INVENTORY AND TRACKING

An internally-developed system of inventory and tracking system will be implemented until either a County or Statewide cannabis product and inventory tracking system becomes available. The Agent in Charge and Lead Cultivator ensure all medical cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Weight of buds after trimming
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.

APPENDIX A: SITE PLAN

APPENDIX B: REGULATED PRODUCTS RESOURCE LIST AND MATERIAL SAFETY DATA SHEETS

Cleaning Agents:

- Simple Green
- Biodegradable Dish Soap

Pesticides and fungicides:

- Elemental Sulfur

Fertilizers and biological inoculants:

- Nitro Bat Guano
- Mokka Bat Guano
- Fish Emulsion
- Phosphorus Bat

APPENDIX C: CULTIVATION ACTIVITIES SCHEDULE

APPENDIX D: REFERENCES

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.
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County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Date accessed: March 28, 2016.

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<<http://www.boe.ca.gov/news/pdf/173.pdf>>

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RECEIVED

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

MAY 10 2017

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2016-0532-R1

Unnamed Tributary to Connick Creek, Tributary to the South Fork Eel River, Tributary to the Eel River and the Pacific Ocean

Mr. Timothy Metz
Metz Water Diversion, Pond, and Stream Crossings Project
4 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on October 21, 2016, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Connick Creek watershed, approximately 2.4 miles east northeast of the town of Garberville, County of Humboldt, State of California. The project is located in Section 27, T4S, R3E, Humboldt Base and Meridian; in the Garberville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 222-211-011; latitude 40.0878 N and longitude 123.8333 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to 4 encroachments (Table 1). One encroachment is for water diversion from an Unnamed Tributary to Connick Creek. Water is diverted for domestic use and irrigation. Work for this diversion will include replacement of the existing and

use and maintenance of the new water diversion infrastructure. Two encroachments are stream crossings. Work for one will include excavation, removal, and replacement with a new properly sized culvert, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. Work for the other will include rock armoring. The last encroachment is to maintain a pond spillway. Work for this encroachment will include removal of sediment and debris.

Table 1. Project encroachments with descriptions.

ID	Latitude/Longitude	Description
POD 1	40.0878, -123.8333	Replace existing water diversion infrastructure to comply with minimization measures.
Crossing 1	40.0879, -123.8333	Replace undersized 12" diameter culvert with minimum 24" diameter culvert.
Crossing 2	40.0878, -123.8331	Rock armor stream crossing on seasonal road.
Pond Spillway	40.0146, -123.8422	Periodic maintenance of overflow channel from pond.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Southern Torrent Salamander (*Rhyacotriton variegatus*), Coastal Tailed Frog (*Ascaphus truei*), Foothill Yellow-legged Frog (*Rana boylei*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentate*), Western Brook Lamprey (*Lampetra richardsoni*) Western Pond Turtle (*Emys marmorata*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

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

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

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

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

cumulative effect when other diversions on the same stream are considered;
 diversion of flow from activity site;
 direct and/or incidental take;
 indirect impacts;

impediment of up- or down-stream migration;
water quality degradation; and
damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Adherence to Existing Authorizations. All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken. This includes new information becoming available that indicates that the bypass flows and diversion rates provided in this agreement are not providing adequate protection to keep aquatic life downstream in good condition or to avoid "take" or "incidental take" of federal or State listed species.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on October 21, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Work Period. All work, not including water diversion, shall be confined to the period **June 15 through October 1** of each year. Replacement of the POD and the two road crossings shall be completed by **October 1, 2017**. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 Extension of the Work Period. If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.4 Maximum Diversion Rate. The maximum instantaneous diversion rate from the **water intake shall not exceed 2 gallons per minute (gpm) at any time.**
- 2.5 Bypass Flow. The Permittee shall pass 80% of the surface flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.6 Seasonal Diversion Minimization. **No more than 200 gallons per day** shall be diverted during the low flow season **from May 15 to October 15 of any year.** Water shall be diverted only if the Permittee can adhere to minimization measures 2.4 and 2.5 of this Agreement.
- 2.7 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted from the spring and pond. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage.
- 2.8 Water Management Plan. The Permittee shall submit a Water Management Plan no later than May 15, 2017, that describes how forbearance will be achieved under

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

2.9 Water Diversion Infrastructure.

- 2.9.1 Diversion Infrastructure: The existing POD shall be removed and replaced with infrastructure meeting the following specifications. The length and width of new diversion infrastructure shall not exceed 20% of the active channel width and shall not be located in the deepest portion of the channel. The depth of the screened intake shall be no greater than 1 foot below the stream bed. The diversion shall be designed to allow for maintenance and inspection (e.g., cleaning and inspecting intake screen) without disturbing the stream bed and not require annual installation and removal.
- 2.9.2 Unauthorized materials. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.9.3 Intake Screening. Screens shall be installed on intakes and in place wherever water is diverted. Screens shall be installed on intakes wherever water is diverted, and shall be in place whenever water is diverted. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.9.4 Intake Shall Not Impede Aquatic Species Passage. The existing POD is a partial barrier and shall be modified. The new water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.

2.10 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

2.11 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.

- 2.12 **Management of Invasive Bullfrogs.** The Permittee shall monitor the pond each year for invasive bullfrogs or drain and dry the pond at least biennially to prevent colonization and reproduction. If bullfrogs are or become present, they shall be appropriately managed. Management of bullfrogs, including draining and drying of ponds, shall follow the guidelines in **Exhibit A**.
- 2.13 **State Water Code.** This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.
- 2.14 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

Stream Crossings and Spillway Maintenance

- 2.15 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.16 **Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.17 **Excavated Fill.** Excavated fill material shall be placed in locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.18 **Runoff from Steep Areas.** The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures

such as straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.19 Culvert Installation.

2.19.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.19.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).

2.19.3 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

2.19.4 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.19.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.5 times the width of the active (bankfull) channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.20 Rock Armor Placement.

2.20.1 No heavy equipment shall enter the wetted stream channel.

2.20.2 No fill material, other than clean rock, shall be placed in the stream channel.

2.20.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

2.20.4 Rock armoring shall not constrict the natural stream channel width and shall

be keyed into a footing trench with a depth sufficient to prevent instability.

2.21 Project Inspection. The Project shall be inspected by Manhard Consulting or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW.

3. Reporting Measures

3.1 Measurement of Diverted Flow. Copies of the **water diversion records (minimization measure 2.4)** shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 **no later than December 31 of each year beginning in 2017**.

3.2 Water Management Plan. The **Permittee shall submit a Water Management Plan (minimization measure 2.5) no later than May 15, 2017**, that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501.

3.3 Project Inspection. The Permittee shall submit the **Project Inspection Report (minimization measure 2.21) within 90 days of completion** of this project to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.

CONTACT INFORMATION

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

To Permittee:

Mr. Timothy Metz
1593 Old Briceland Road
Garberville, California 95542
707-496-0322
timmetz@asis.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0532-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and

subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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

FOR Mr. Timothy Metz



Timothy Metz

5-6-17

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

5/19/17

Date

Prepared by: Ryan Bourque, Senior Environmental Scientist Specialist, April 12, 2017.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Timothy A. Metz APN: 222-211-012 and 222-211-011

Planning & Building Department Case/File No.: CUP # 11351 and Special Permit # 11352

Road Name: Old Briceland Road (complete a separate form for each road)

From Road (Cross street): Sprawl Creek Road

To Road (Cross street): N/A

Length of road segment: 2.1 miles Date Inspected: 2-1-18

Road is maintained by: County Other _____
(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

Timothy A. Metz
Signature

2-13-18
Date

Timothy A. Metz, RPF # 2601
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 707.435.7205.



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-7446-OE

Issued Date: 08/13/2019

Derek Roelle
 NorthPoint Consulting Group
 PO Box 44
 Eureka, CA 95502

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Metz Residence
Location:	Garberville, CA
Latitude:	40-05-05.28N NAD 83
Longitude:	123-49-53.40W
Heights:	1440 feet site elevation (SE) 20 feet above ground level (AGL) 1460 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as

indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-7446-OE.

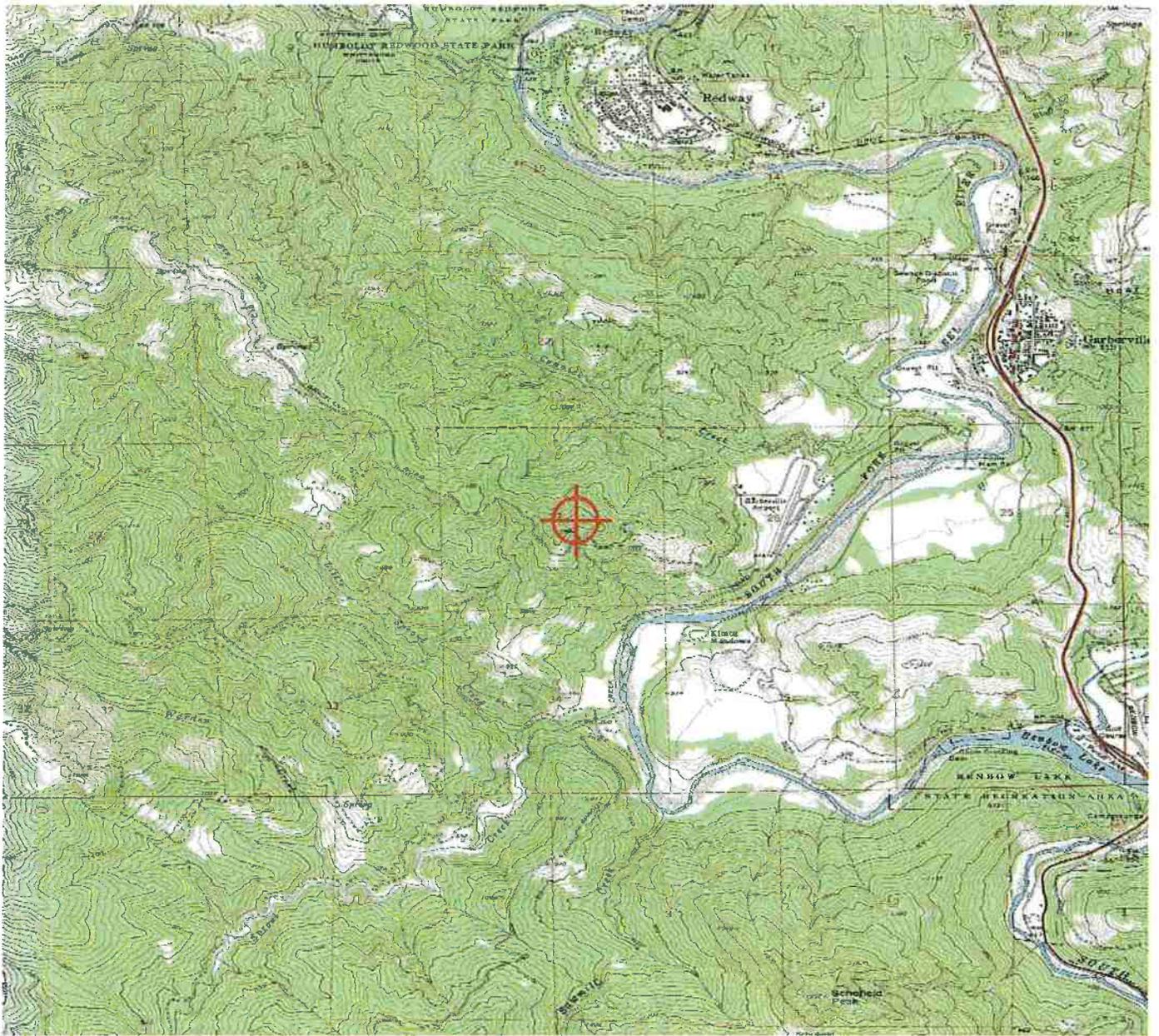
Signature Control No: 408768781-414247233

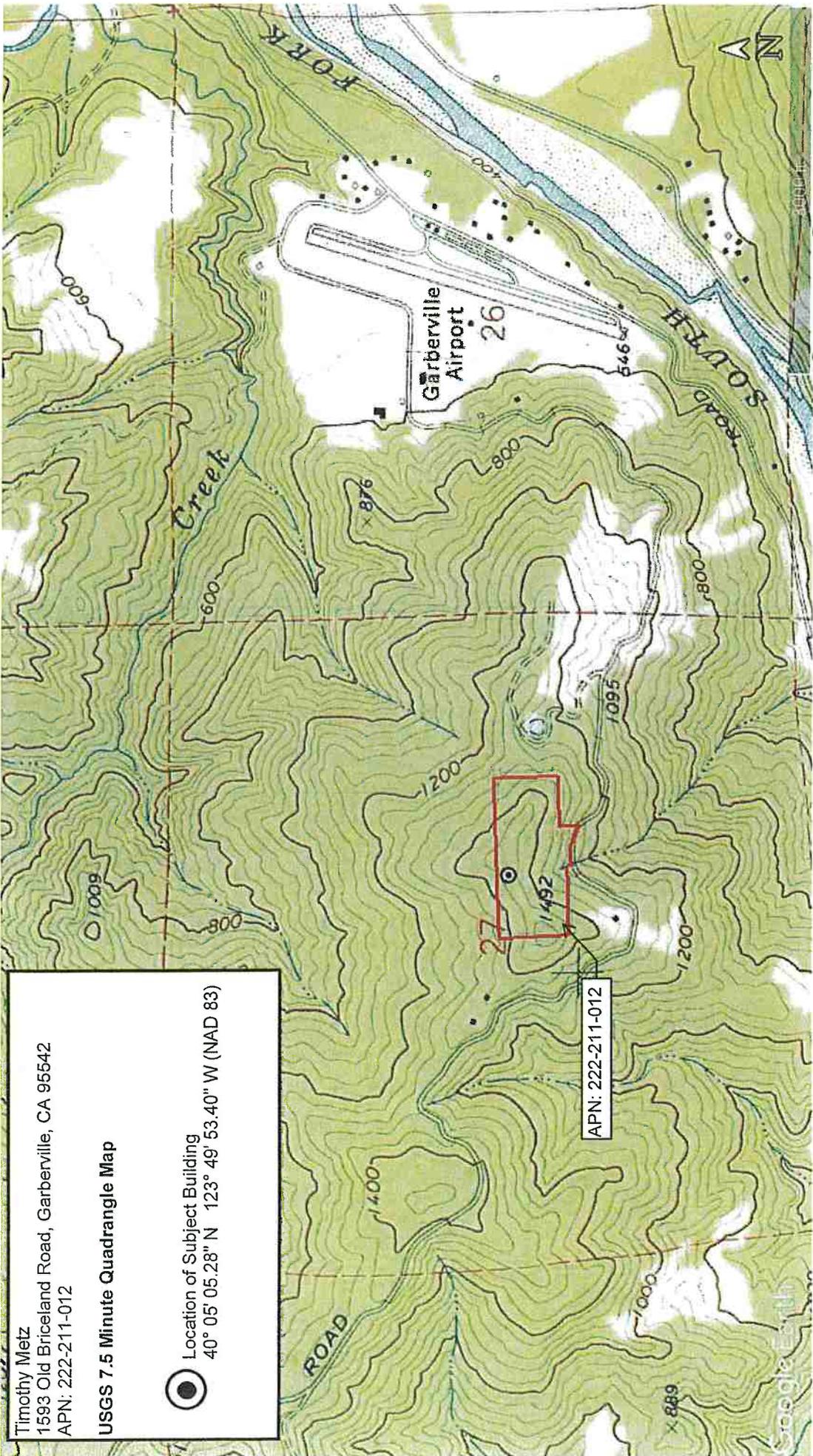
(EBO)

Karen McDonald
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2019-AWP-7446-OE



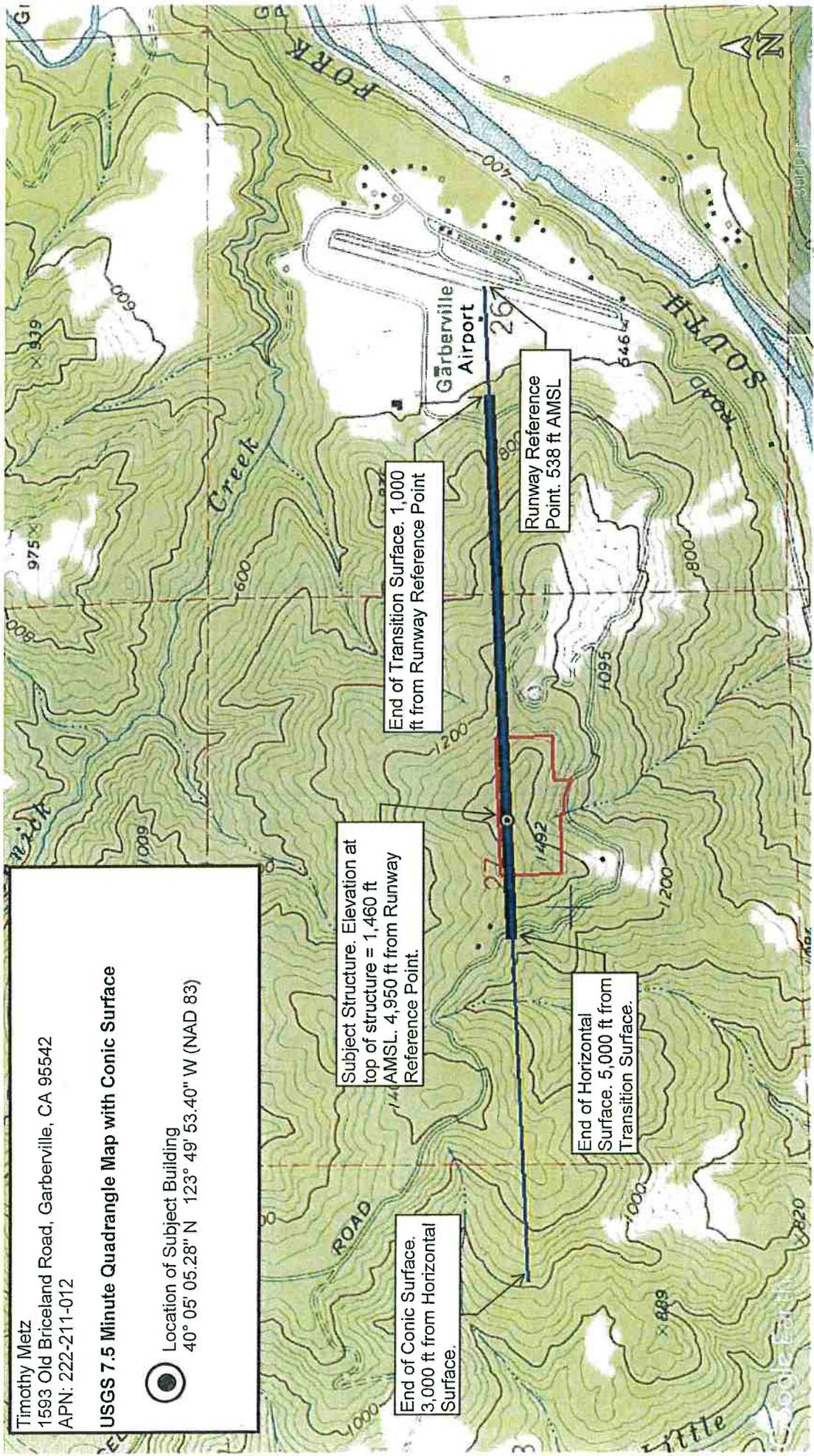


Timothy Metz
 1593 Old Briceland Road, Garberville, CA 95542
 APN: 222-211-012

USGS 7.5 Minute Quadrangle Map

● Location of Subject Building
 40° 05' 05.28" N 123° 49' 53.40" W (NAD 83)

APN: 222-211-012



Timothy Metz
 1593 Old Briceland Road, Garberville, CA 95542
 APN: 222-211-012
USGS 7.5 Minute Quadrangle Map with Conic Surface
 ● Location of Subject Building
 40° 05' 05.28" N 123° 49' 53.40" W (NAD 83)

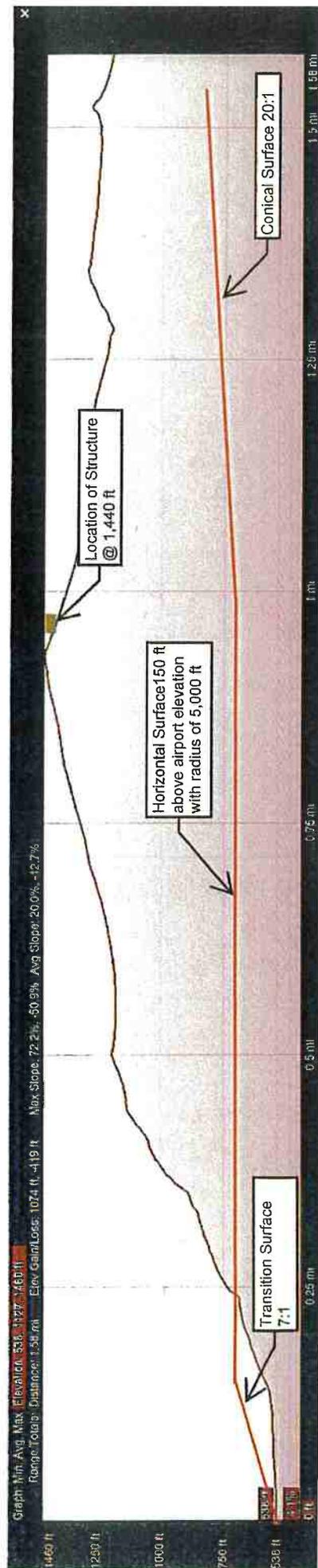
Subject Structure. Elevation at
 top of structure = 1,460 ft
 AMSL. 4,950 ft from Runway
 Reference Point.

End of Conic Surface.
 3,000 ft from Horizontal
 Surface.

End of Transition Surface. 1,000
 ft from Runway Reference Point

Runway Reference
 Point. 538 ft AMSL

End of Horizontal
 Surface. 5,000 ft from
 Transition Surface.





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 839-3598

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

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

Table with 3 columns: Department Name, Phone Number, and Fax Number. Includes departments like AVIATION, ADMINISTRATION, BUSINESS, ENGINEERING, FACILITY MAINTENANCE, NATURAL RESOURCES, PLANNING, PARKS, ROADS & EQUIPMENT MAINTENANCE, and LAND USE.

AIRSPACE CERTIFICATION FORM

Airport Name: Garberville Airport Runway Number: 18 / 36
Project Name: Timothy Metz
Project Address: 1593 Old Briceland Road, Garberville, CA 95542
Project APN: 222-211-012
Planning & Building Department Application and Project Numbers: XXXX
Brief Project Description: Standard building permit on existing single family residence.
Maximum Height of proposed structure above ground level (feet): 20
Closest vertical distance between the structure and the imaginary surfaces (feet): 752



- 1. Is the proposed project in compliance with County Code Section 333-4 (Height Limits) for the above airport? [] Yes [x] No
2. Does the proposed project penetrate any imaginary surfaces defined in 14 CFR Part 77 for the above airport? [x] Yes [] No
3. Does the proposed project penetrate any surfaces defined in an avigation/flight easement? [] Yes [x] No recording information for easement
4. This certification is: [] Pre-construction (based on plans) [x] Post-construction (based on survey)*
5. This certification is based upon: [] Field survey [x] USGS maps*
6. Status of FAA Form 7460-1: [] Approved by FAA without conditions* [] Approved by FAA with conditions* [x] Not required; exempt per See attached Draft FAA Form 7460-1

*Attach a copy of all FAA response documents.
** See FAA Form 7460-1 instructions for exemptions.

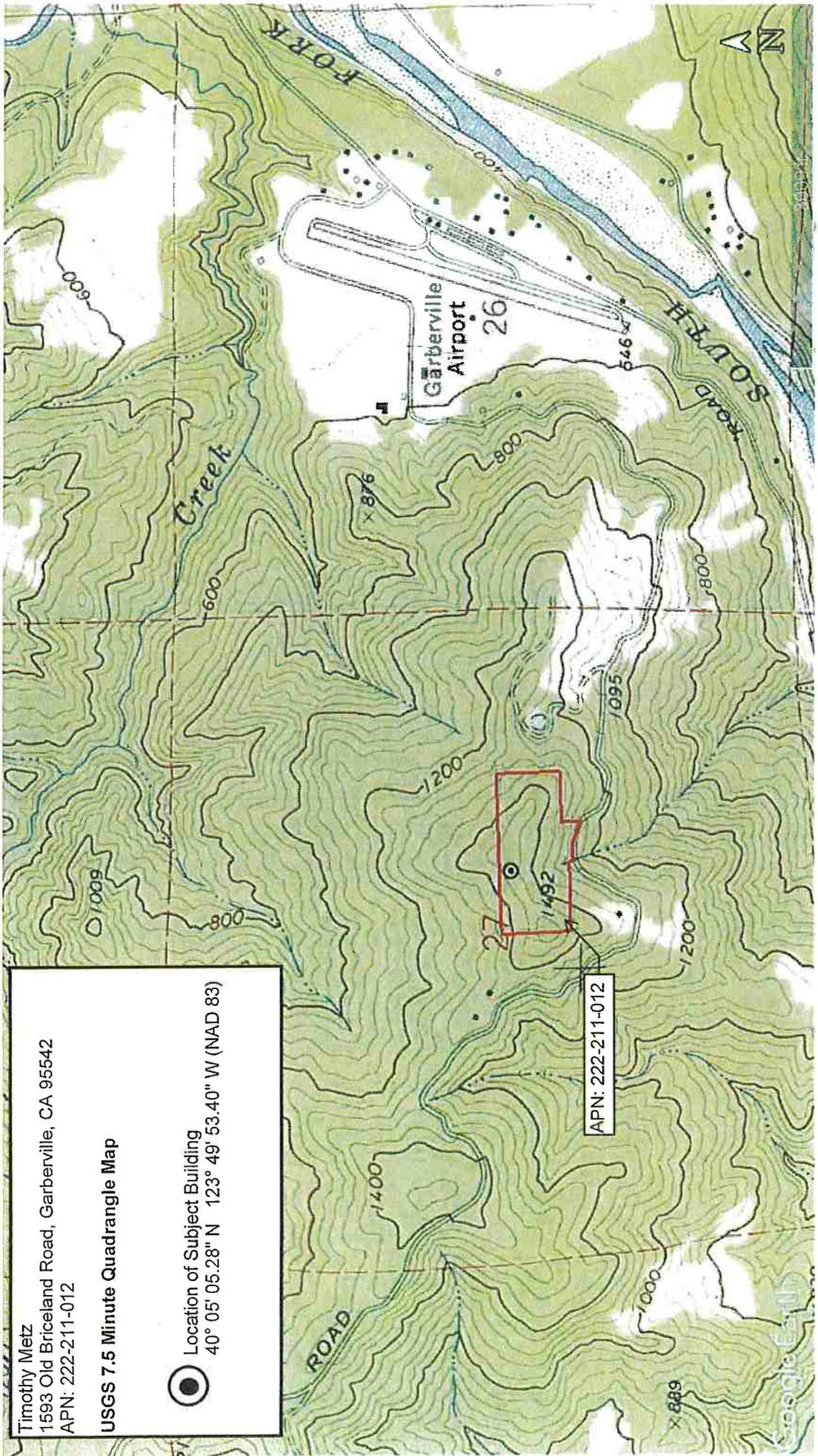
Attached are signed and stamped calculations and survey data supporting the above statements. I certify that the statements above are true and correct.

Signature of Land Surveyor or Civil Engineer

5-14-19
Date



COUNTY USE ONLY table with columns for Pre-Construction, Post-Construction, and Staff certification in lieu of completing form. Includes checkboxes for 'Recommend approval', 'Recommend approval with post-construction certification req'd.', and 'Recommend denial'.



Timothy Metz
1593 Old Briceland Road, Garberville, CA 95542
APN: 222-211-012

USGS 7.5 Minute Quadrangle Map

● Location of Subject Building
40° 05' 05.28" N 123° 49' 53.40" W (NAD 83)

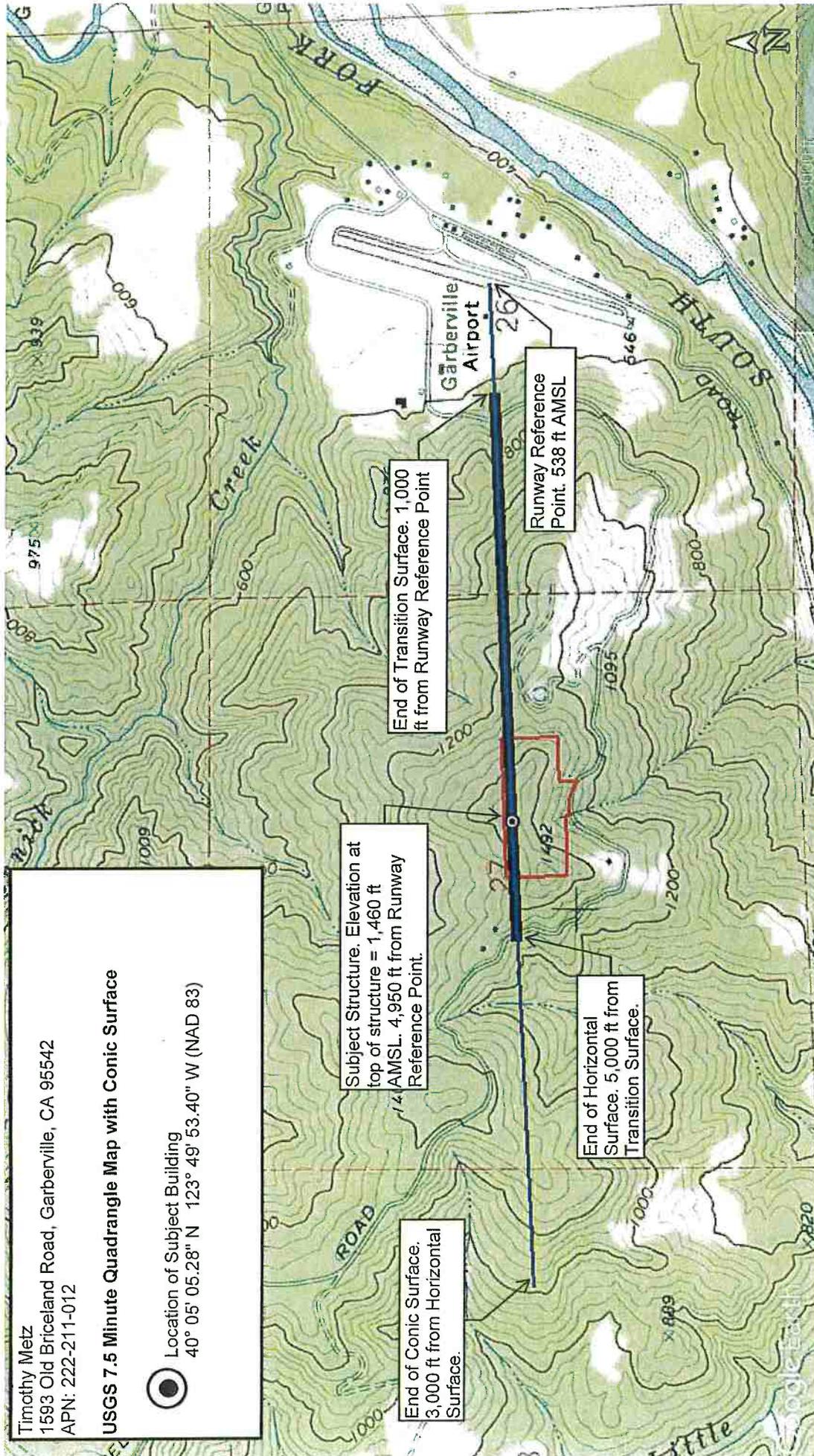
APN: 222-211-012

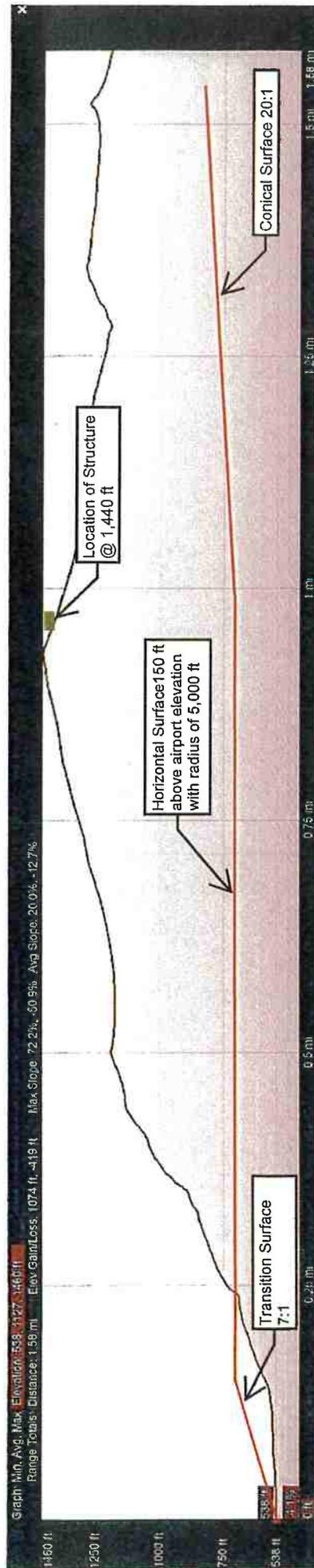
Timothy Metz
1593 Old Briceland Road, Garberville, CA 95542
APN: 222-211-012

USGS 7.5 Minute Quadrangle Map with Conic Surface



Location of Subject Building
40° 05' 05.28" N 123° 49' 53.40" W (NAD 83)





ATTACHMENT 5

Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Public Works- Land Use Division	✓	Conditional Approval	Attached
Division of Environmental Health	✓	Conditional Approval	Attached
Humboldt County Agricultural Commissioner		No Response	
Department of Fish & Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Recommended THPO consultation	On file with Planning
Bear River Band	✓	Conditional Approval	On file with Planning
Sinkyone Tribe		No Response	
CAL FIRE	✓	Conditional Approval	Attached
RWQCB		No Response	
Southern Humboldt Joint Unified School District		No Response	
District Attorney		No Response	
CA Division of Water Rights		No Response	
Humboldt County Airports	✓	Approval	Attached
Army Corps of Engineers	✓	Comments	Attached

Accela

9/25



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

10/25/2017

PROJECT REFERRAL TO: Building Inspection Division

Tim 707.496.0322

222-211-011

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, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sinkyone, SWRCB, Division of Water Rights, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name King Range Botanicals LLC **Key Parcel Number** 222-211-011-000
Application (APPS#) 11351 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-209

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 11/9/2017 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: _____

DATE: 9/25/18 PRINT NAME: Rudy Marengli



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11351
Parcel No.: 222-211-011
Case No.: SP16-209

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

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: Revise plot plan to show nursery as
propagation and all GH's with dimensions.

Name: Rudy Marengi

Date: 9/25/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects,(CUP, SP, ZCC) Case number.



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

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer *AS*

DATE: 3-28-2018

RE:

Applicant Name	King Range Botanicals LLC
APN	222-211-011
APPS#	11351 SP16-209

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:

Review items 6 and 7 on Exhibit "C".

NO STRUCTURES ALLOWED W/O VARIANCE

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11351

- 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 "C"

Additional Review is Required by Planning & Building Staff

APPS # 11351

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

- 1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?
 YES NO

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

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

- 2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?
 YES NO

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

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

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

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

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

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

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

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

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

Exhibit "C"

Additional Review is Required by Planning & Building Staff

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

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

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

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

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

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

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

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

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

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

// END //

From: [Hilton, Keenan](#)
To: [Planning Clerk](#)
Subject: FW: Tim Metz, King Range Botanicals Apps 11351
Date: Tuesday, September 11, 2018 9:12:11 AM

Please add this updated referral response for DEH to ontrack, efile and physical file.

Thank you!
Keenan

From: Dolf, Benjamin
Sent: Thursday, September 06, 2018 8:46 AM
To: Hilton, Keenan <KHilton@co.humboldt.ca.us>
Cc: timmetz@asis.com
Subject: Tim Metz, King Range Botanicals Apps 11351

Good morning Keenan,

Tim Metz met with me in my office regarding the DEH condition associated with the well on the property. Mr. Metz provided documentation for permitting the source as a purely domestic diversion, and clarified that the well is solely for the residence on the property and not affiliated with cultivation operations. Therefore, DEH is removing Condition No. 2, "Legalize or destroy the well" as it is outside the scope of cannabis-related activities.

Please contact me if you have any questions.

Benjamin W. Dolf, R.E.H.S
DHHS Public Health, Div. of Env. Health
Ph: (707) 268-2235



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

DEH received
 10-26-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

17/18-0972

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, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sinkyone, SWRCB, Division of Water Rights, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name King Range Botanicals LLC **Key Parcel Number** 222-211-011-000

Application (APPS#) 11351 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-209

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) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.
- (2) One well is shown on the site plan from Manhard Consulting. **Legalize or destroy the well:** Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.

*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.

DISTRIBUTED

4-2-18

2746



Applicant: King Range Botanicals		Date: 1/15/2019	
APPS No.: 11351	APN: 222-211-011	DFW CEQA No.: 2017-0943	Case No.: SP16-209
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input type="checkbox"/> Mixed-light (SF):	<input checked="" type="checkbox"/> Outdoor (SF): 10,000 <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.

Please provide the following information prior to Project Approval: (*All supplemental information requested shall be provided to the Department concurrently*)

Please note the following information and/or requested standard conditions of Project approval:

- A Final Lake or Streambed Alteration Agreement (1600-2016-0532-R1) has been issued to the applicant.
- 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.
- 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*), Northern Red-legged Frog (*Rana aurora*), 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

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: October 31, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: King Range Botanicals, LLC
APN: 222-211-011-000
Area: Garberville
Case Numbers: SP16-209

Humboldt County Application #: 11351
Type of Application: Special Permit
Date Received: 10/26/2017
Due Date: 11/9/2017

Project Description: A Special Permit for an existing 10,000 square feet (SF) of outdoor cannabis cultivation operation in two (2) cultivation areas, is requested. Cultivation Area (CA) #1 consists of 5,000 SF in greenhouses and CA #2 is full-sun outdoor. Irrigation water is sourced from a well and spring diversion. Water storage consists of 45,500 gallons in six (6) tanks and a 150,000 gallon pond for a total of 195,500 gallons. Drying and curing occurs on-site in existing buildings and additional processing (i.e. trimming) will occur off-site at a licensed processing facility. Power for the operation is provided by PG&E and solar.

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: [Meayers, Tim@CALFIRE](mailto:Meayers_Tim@CALFIRE)
To: HUU_CEOA@CALFIRE; [Planning Clerk](#)
Subject: 222-211-011 Application number 11351
Date: Wednesday, November 01, 2017 8:50:47 AM

It may be necessary for a CALFIRE harvest permit to be obtained prior to expanding this cultivation and new development sites. A Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE. Previous land use activities may have resulted in harvest without a permit and harvesting without a plan or a license. More information is required for a proper evaluation.

[Tim Meyers](#)
[Forester I, RPF #2813](#)
Department of Forestry and Fire Protection
CAL FIRE
Weott Resource Management
Humboldt-Del Norte Unit
Office (707) 946-2204
Cellular (707) 599-6433
tim.meyers@fire.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com - Drought.CA.gov

From: [Lake, M. Isaac@CALFIRE](mailto:Lake.M.Isaac@CALFIRE)
To: [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning.Clerk; HUU.CEOA@CALFIRE)
Subject: APN: 222-211-011-000 King Range Botanicals, LLC APPS# 11351
Date: Sunday, November 05, 2017 10:33:39 AM

No additional comments from B-1211

M. Isaac Lake

Battalion Chief

CAL FIRE

HUMBOLDT-DEL NORTE UNIT

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

MLake@fire.ca.gov



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

8/6/2020

Project Referred To The Following Agencies:

Other: CA Redwood Coast - Humboldt County Airports

Applicant Name King Range Botanicals LLC **Key Parcel Number** 222-211-011-000

Application (APPS#) PLN-11351-SP **Assigned Planner** Stephen Luther 707-268-3737

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: 8/21/2020

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

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

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

Other Comments: _____

DATE: 08.17.2020

PRINT NAME: Cody Reegatz



COUNTY OF HUMBOLDT
Planning and Building Department – Current Planning
3015 H Street, Eureka, CA 95501 ~ PHONE (707) 445-7541
PROJECT TRANSMITTAL

APPLICANT KEY PARCEL 222-211-011-000 DATE 8/6/2020 CONTACT Stephen Luther APPS# PLN-11351-SP

PROJECT INFORMATION

SUBJECT King Range Botanicals LLC - Existing 10,000 sf Outdoor

PROJECT TYPE Special Permit (CCLUO1)

PROJECT DESCRIPTION A Special Permit (SP) for an existing 10,000 square foot (SF) outdoor cannabis cultivation operation in two cultivation areas, and an SP in compliance with the Streamside Management Area Ordinance (SMAO) to allow for development in the stream channel for the diversion from an unnamed stream which is tributary to Connick Creek. Cultivation Area (CA) #1 consists of 5,000 SF in eight (8) greenhouses and CA#2 is 5,000 sf full-sun outdoor. Irrigation water is sourced from a surface water diversion on an unnamed class III tributary to Connick Creek. Water storage for irrigation consists of 5,500 gallons (gal) in four (4) tanks and a 150,000 gal pond for a total of 150,500 gallons of water storage. 40,000 gallons of storage capacity is dedicated to domestic uses. Drying and curing occurs on site in existing buildings and additional processing (i.e. trimming) will occur off site at a licensed processing facility. Power for the operation is provided by PG&E and solar.

PROJECT LOCATION

The project is located in Humboldt County, in the Garberville area, on the North side of Old Briceland Road, approximately 2.14 miles West from the intersection of Old Briceland Road and Connick Creek Road, on the property known as 2525 Old Briceland Road.

PRESENT PLAN DESIGNATIONS Residential Agriculture (RA); Airport Safety Review (AP); Garberville, Redway, Benbow, Alderpoint Community Plan, 2017 General Plan; Density: 20 Acres per unit; Slope Stability: Low Instability (2)

PRESENT ZONING
Agricultural Exclusive (AE); Special Building Site (B-5(20))

KEY PARCEL NUMBER 222-211-011-000

ADDITIONAL PARCEL #S

APPLICANT INFORMATION

Name King Range Botanicals LLC
Address 1 Timothy Metz
Address 2 1425 Buttermilk Lane
City Arcata **State** CA **Zip** 95521
Phone **E-Mail** timmetz@asis.com

OWNER INFORMATION

Name Metz Timothy A
Address 1
Address 2 1593 Old Briceland Rd
City Garberville **State** CA **Zip** 95542
Phone **E-Mail**

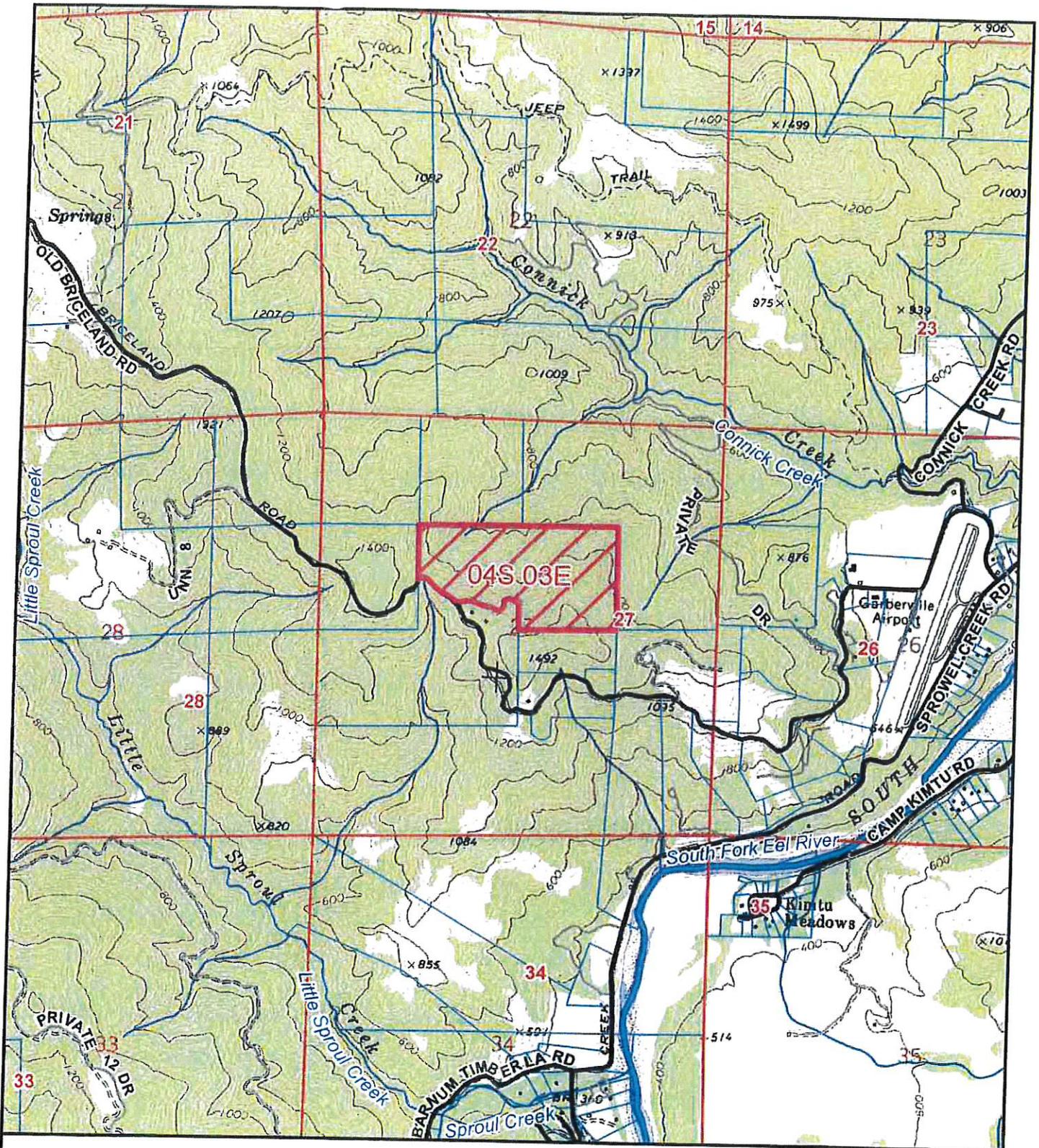
AGENT INFORMATION

Name NorthPoint Consulting Group
Address 1 PO Box 44
Address 2
City Eureka **State** CA **Zip** 95502
Phone **E-Mail** phil@northpointeureka.com

ADDITIONAL PROJECT INFORMATION

ADDITIONAL OWNERS

DECISION MAKER Zoning Administrator
ENVIRONMENTAL REVIEW REQUIRED? No
MAJOR ISSUES None
STATE APPEAL STATUS Project is NOT appealable to the California Coastal Commission
PRELIMINARY CEQA FINDINGS
CEQA EXEMPTION SECTION
EXEMPTION DESCRIPTION



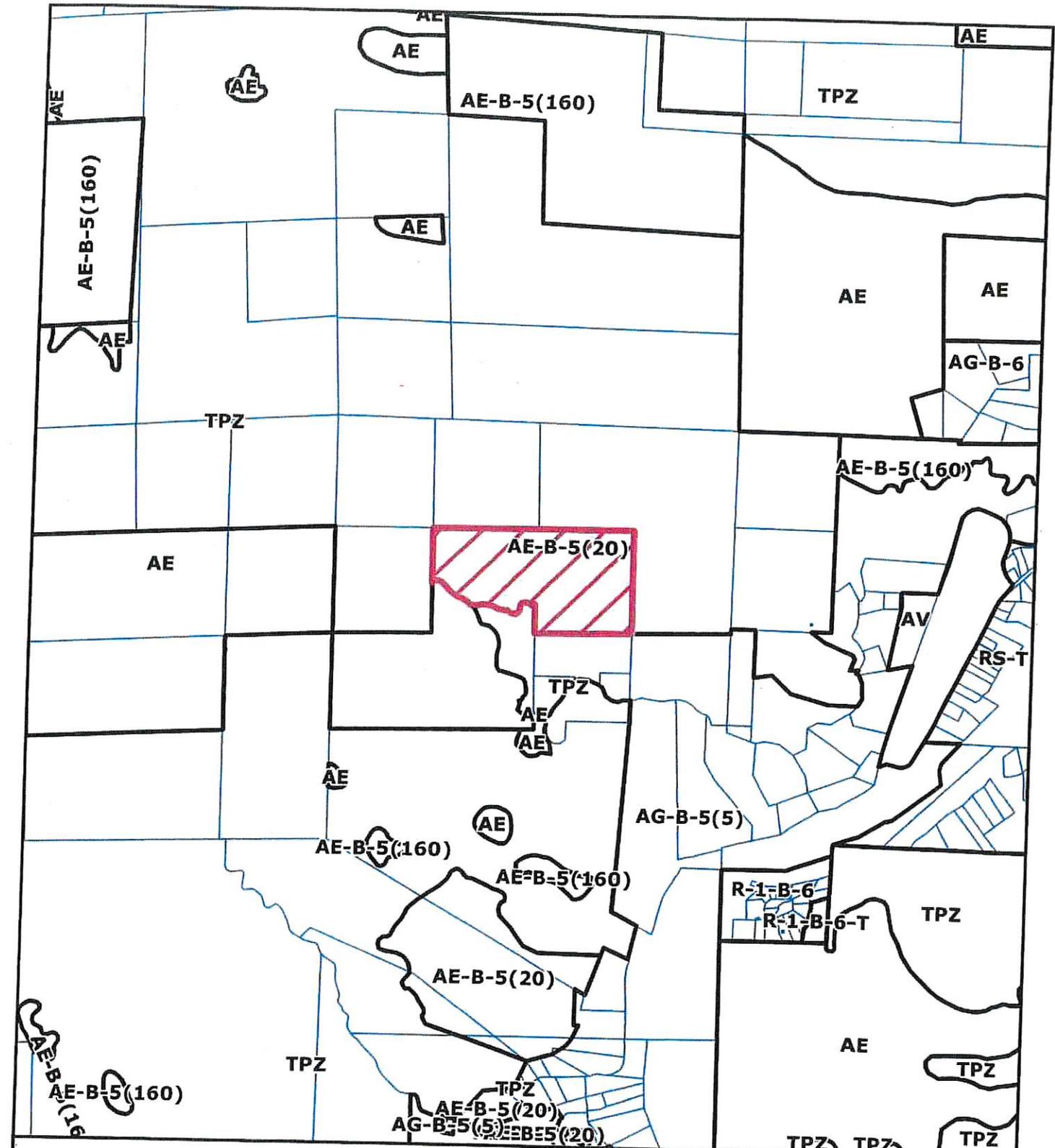
TOPO MAP
PROPOSED KING RANGE FARMS BOTANICALS, LLC
GARBERVILLE AREA
SP-16-209
APN: 222-211-011
T04S R03E S27 HB&M (GARBERVILLE)

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.

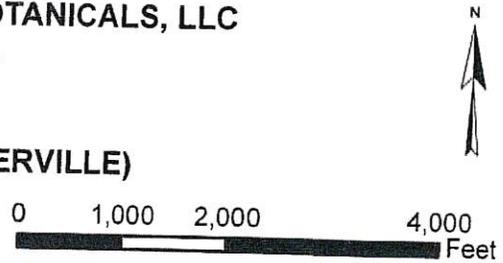




**ZONING MAP
 PROPOSED KING RANGE FARMS BOTANICALS, LLC
 GARBERVILLE AREA
 SP-16-209
 APN: 222-211-011
 T04S R03E S27 HB&M (GARBERVILLE)**

Project Area = 

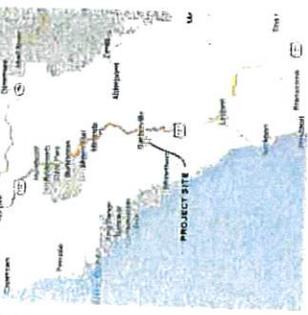
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



KING RANGE BOTANICALS LLC SPECIAL PERMIT FOR EXISTING CULTIVATION

APN: 222-211-011

DIRECTIONS TO SITE:
FROM EUREKA, CA
- TAKE CA-101 SOUTH FOR 66
MILES TO BRICELAND ROAD
- TAKE EXIT 639A FOR SPROWL
CREEK
- IN GARBERVILLE
- FOLLOW SPROWL CREEK ROAD
FOR 1.5 MILES
- TURN RIGHT ONTO OLD
BRICELAND ROAD AND FOLLOW
FOR 0.8 MILES
- PROPOSED ENTRANCE WILL BE
ON THE RIGHT
- 2525 OLD BRICELAND ROAD



VICINITY MAP
NOT TO SCALE

PROJECT DESCRIPTION

KING RANGE BOTANICALS LLC IS PROPOSING TO PERMIT EXISTING OUTDOOR CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE LOCAL MARJUALA AND USE ORDINANCE (CMULUD), ORDINANCE NO. 2554. THE PROPOSED DEVELOPMENT INCLUDES APPROXIMATELY 10,000 SQUARE FEET (30' X 30') OF MEDICAL CANNABIS OF WATER DIVERSION WORKS AND APPROPRIATE WATER CULTIVATION. THE DEVELOPMENT ALSO INCLUDES A 328 SF AND TRIMMING OF MEDICAL CANNABIS TO SERVE KING RANGE BOTANICALS.

GENERAL NOTES

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DERIVED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY GIS DATA. MANHARD CONSULTING HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- EXISTING STORAGE SHED.
- EXISTING DEVELOPMENT EXIST ON THIS PARCEL WITHOUT THE BENEFIT OF COUNTY REVIEW.

IRRIGATION AND DOMESTIC WATER USE

THE PRIMARY WATER SOURCE FOR DOMESTIC AND IRRIGATION IS A SPRING BOX POINT OF DIVERSION (POD) LOCATED AT 400884' ON THE CONNICK CREEK, CURRENTLY CLAIMED UNDER THE STATEMENT OF DIVERSION APPLICATION NUMBER 5025441 AS WELL AS HAS A PENDING APPLICATION NUMBER 5025441 AS WELL AS HAS REGISTERED THE POD AS A SMALL IRRIGATION USE UNDER DIVISION OF WATER RIGHTS WHEN AVAILABLE IN THE AREA. THE POD IS LOCATED AT 400884' -1238072' HAS ALSO BEEN CLAIMED UNDER THE STATEMENT OF DIVERSION AND USE APPLICATION NUMBER 5025440.

NGRWQB NOTICE OF INTENT

THE SUBJECT PARCEL HAS BEEN ENROLLED IN THE CALIFORNIA CANNABIS CULTIVATION WASTE DISCHARGE REGULATORY PROGRAM. WQID NUMBER 1916200CHUM

PROJECT INFORMATION:

APPLICANT:
KING RANGE BOTANICALS LLC
2525 OLD BRICELAND ROAD
GARBERVILLE, CA 95542

CLIENT:
TIMOTHY METZ
2525 OLD BRICELAND ROAD
GARBERVILLE, CA 95542

OWNER'S AGENT:
MANHARD CONSULTING
811 "N" BRICELAND BLVD A
EUREKA, CA 95501
(707) 444-3800

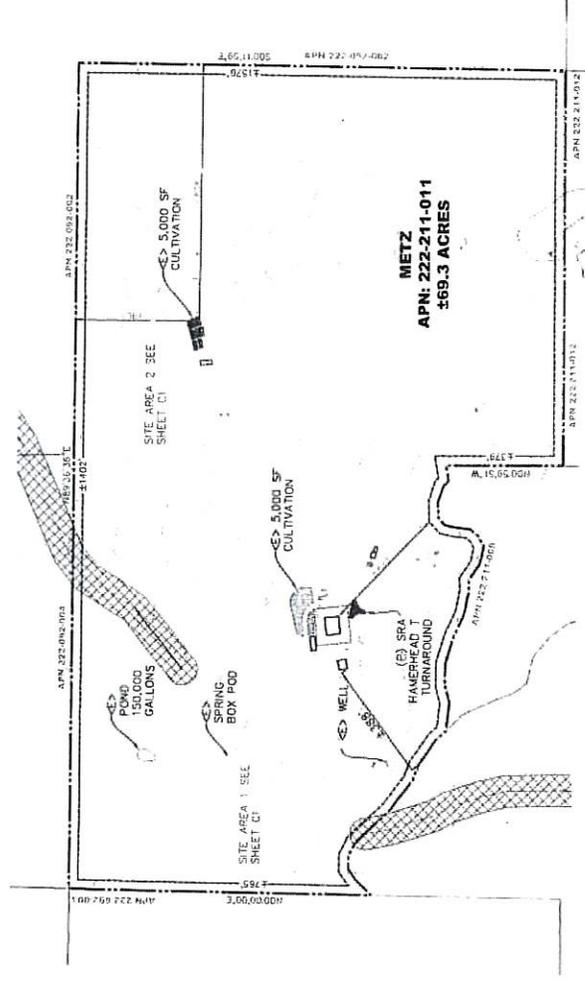
SITE ADDRESS:
APN: 222-211-011
2525 OLD BRICELAND ROAD
GARBERVILLE, CA 95542

THIS APPLICATION ALSO INCLUDES THE PERMITTING AND PERMITTING OF A PROPOSED SEPTIC SYSTEM.

- ITEMS TO BE REMOVED:
- EXISTING BUILDINGS = TBD
 - WATER = PRIVATE
 - SEWER = PRIVATE
 - PARCEL SIZE = 169.25 ACRES
 - ZONING = AE-B-5(20)
 - EXCLUSIVE = EXCLUSIVE
 - MAX. BLDG. H.T. = 35'
 - MAX. GROUND COVERAGE = YES
 - IN LEGAL ZONE = YES
 - IN 100 YR FLOOD ZONE = NO

AE	SFA
FRONT	30'
SIDE	20'
REAR	10'

- EXISTING OUTDOOR CULTIVATION = 10,000 SF
- EXISTING CULTIVATION FACILITY = 328 SF



SHEET INDEX

CD - SITE PLAN, VICINITY MAP, AND PROJECT NOTES
C1 - EXISTING AND PROPOSED SITE AREAS 1 AND 2 DEVELOPMENT PLAN



SITE PLAN
22X34 SHEET 1"=200'
11X17 SHEET 1"=400'

EXISTING OUTDOOR CULTIVATION AREA

NO.	DATE	DESCRIPTION

Manhard CONSULTING
1775 Broadway, Suite 200, Eureka, CA 95501
(707) 444-3800
www.manhardconsulting.com

KING RANGE BOTANICALS LLC / APN: 222-211-011
2525 OLD BRICELAND ROAD, GARBERVILLE, CALIFORNIA
SITE PLAN, VICINITY MAP, & PROJECT NOTES

03
SHEET
DATE: 11/05/2020
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
SCALE: AS SHOWN

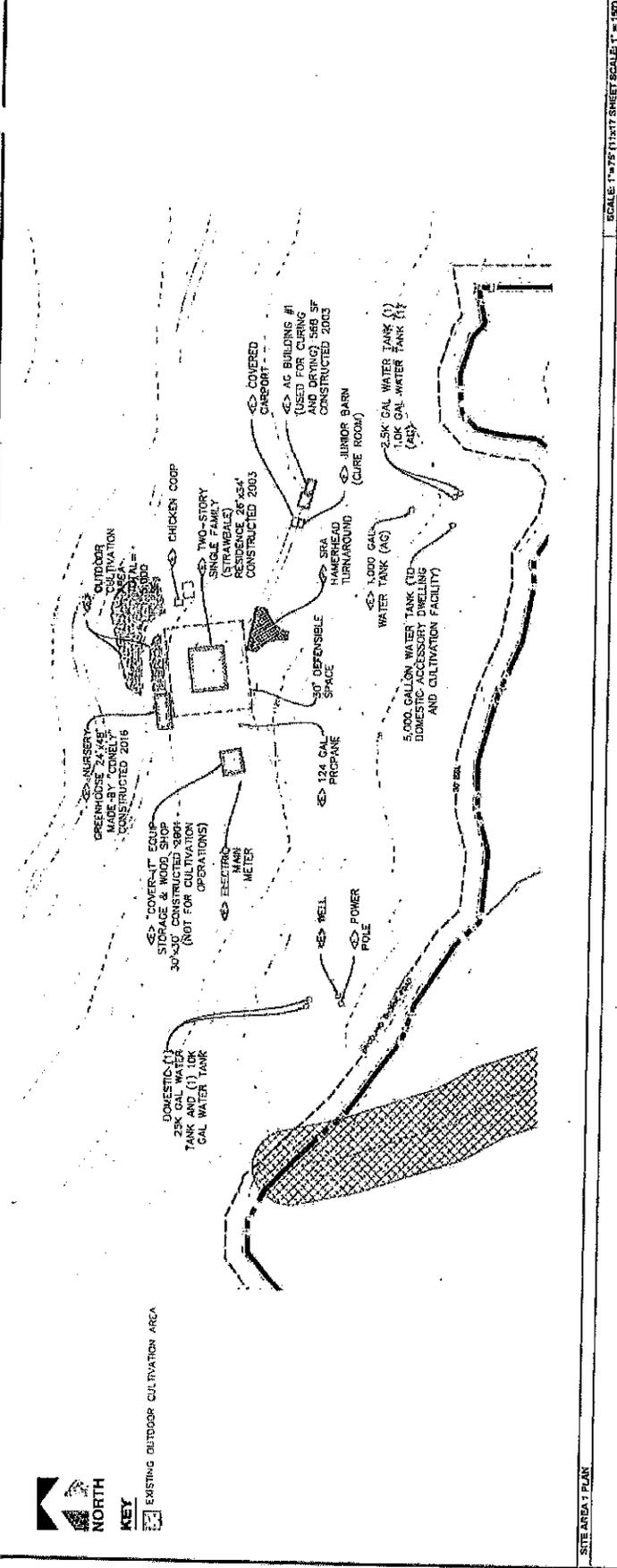
PRELIMINARY DESIGN FOR REVIEW ONLY



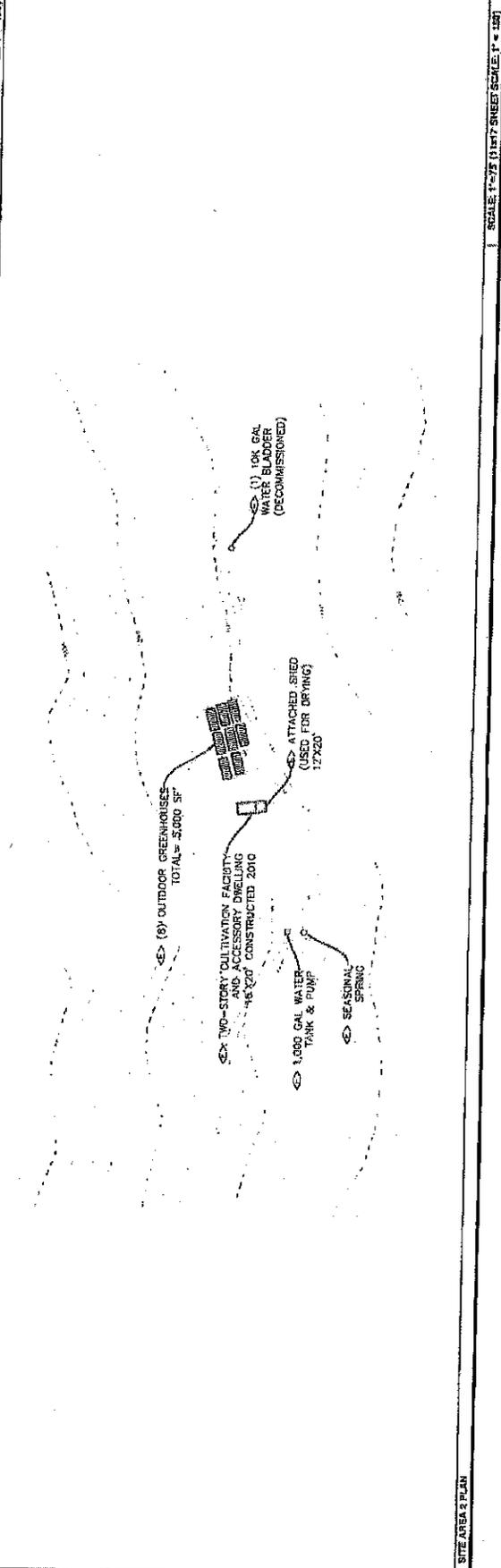
Manhard CONSULTING
 2525 OLD BRICELAND ROAD, GARBERVILLE, CALIFORNIA
 KING RANGE BOTANICALS LLC / APN: 228-211-011

NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

12
 SHEET NO.
 TOTAL SHEETS: 12

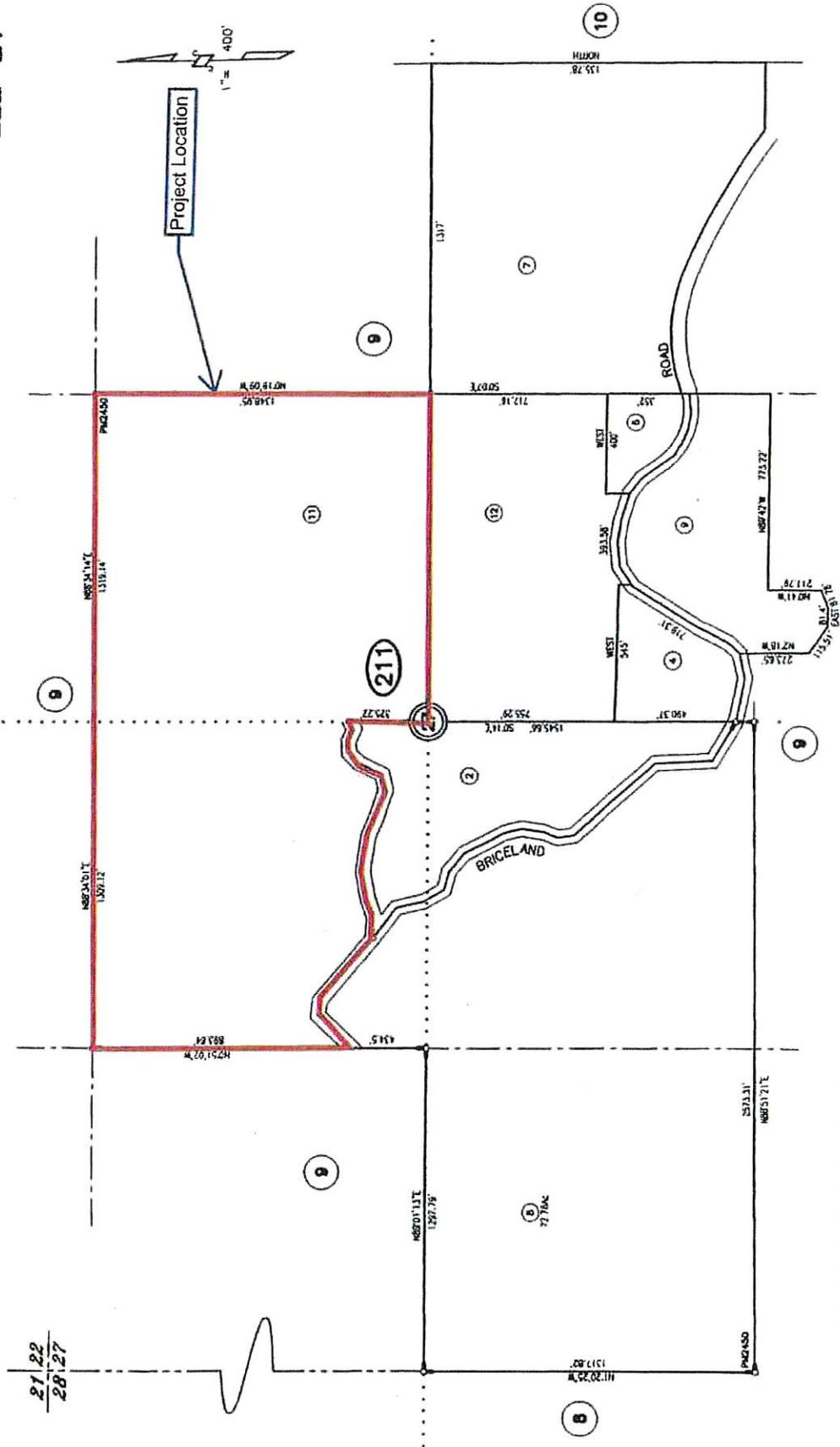


SITE AREA 1 PLAN



SITE AREA 2 PLAN

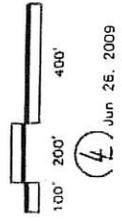
PTN SEC 27 T4S R3E H.B.& M. 222-21

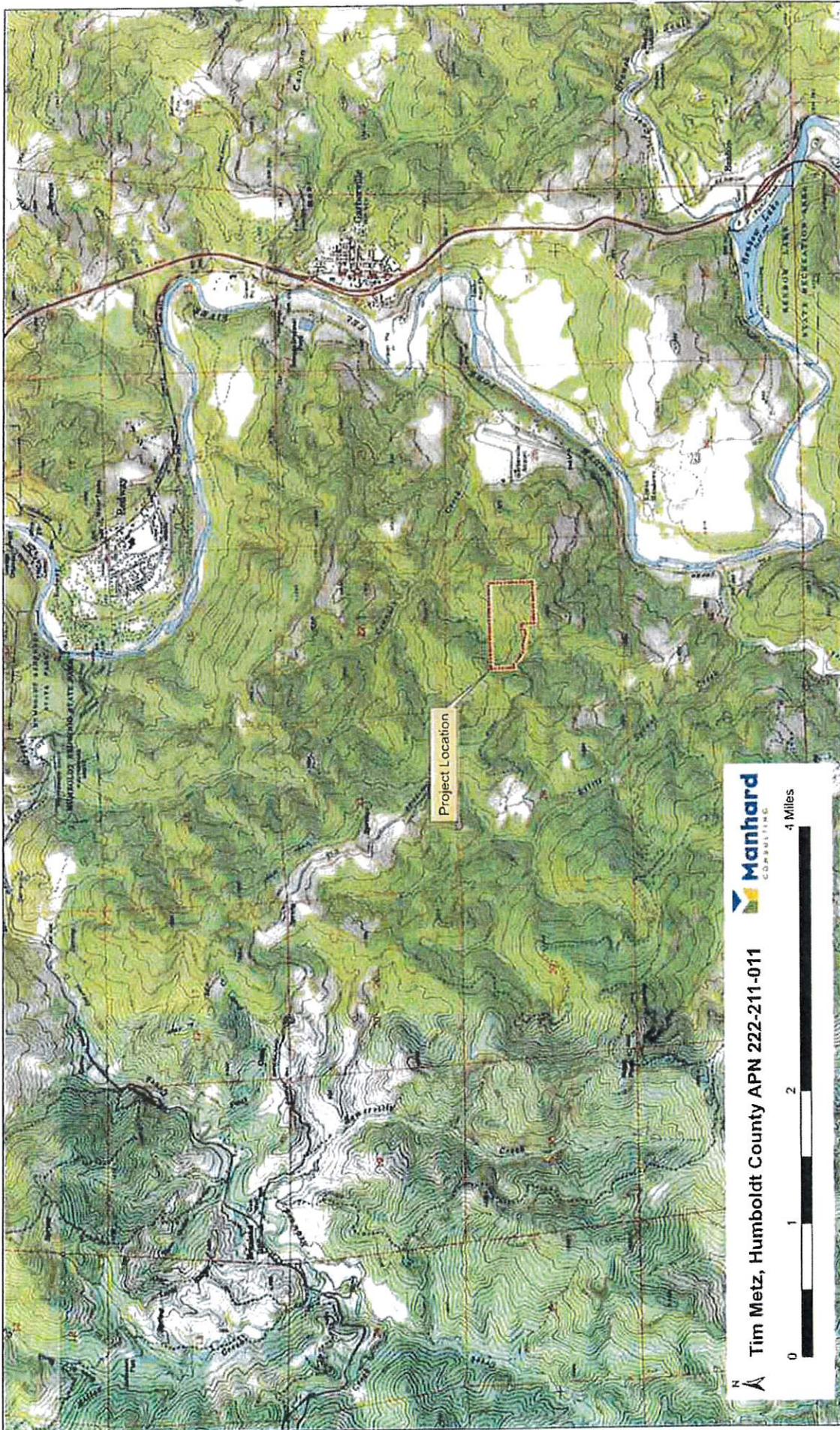


ASSESSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
 2. THE ACCURACY IS ASSURED FOR THE PURPOSES INTENDED.
 3. ASSASSOR'S PARCELS MAY NOT COMPLY WITH 1974 I.T.-C.R.T.

PM2450 of PM Bk 21, Pgs 144-145
 RS, Bk 30 of surveys, Pg 68
 RS, Bk 55 of surveys, Pg 94

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles.
 Assessor's Map Bk.222, Pg.21
 County of Humboldt CA







Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2019-AWP-7446-OE

Issued Date: 08/13/2019

Derek Roelle
 NorthPoint Consulting Group
 PO Box 44
 Eureka, CA 95502

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Metz Residence
Location:	Garberville, CA
Latitude:	40-05-05.28N NAD 83
Longitude:	123-49-53.40W
Heights:	1440 feet site elevation (SE) 20 feet above ground level (AGL) 1460 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does exceed obstruction standards but would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as

indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study included evaluation of a structure that exists at this time. Action will be taken to ensure aeronautical charts are updated to reflect the most current coordinates, elevation and height as indicated in the case description.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-7446-OE.

Signature Control No: 408768781-414247233

(EBO)

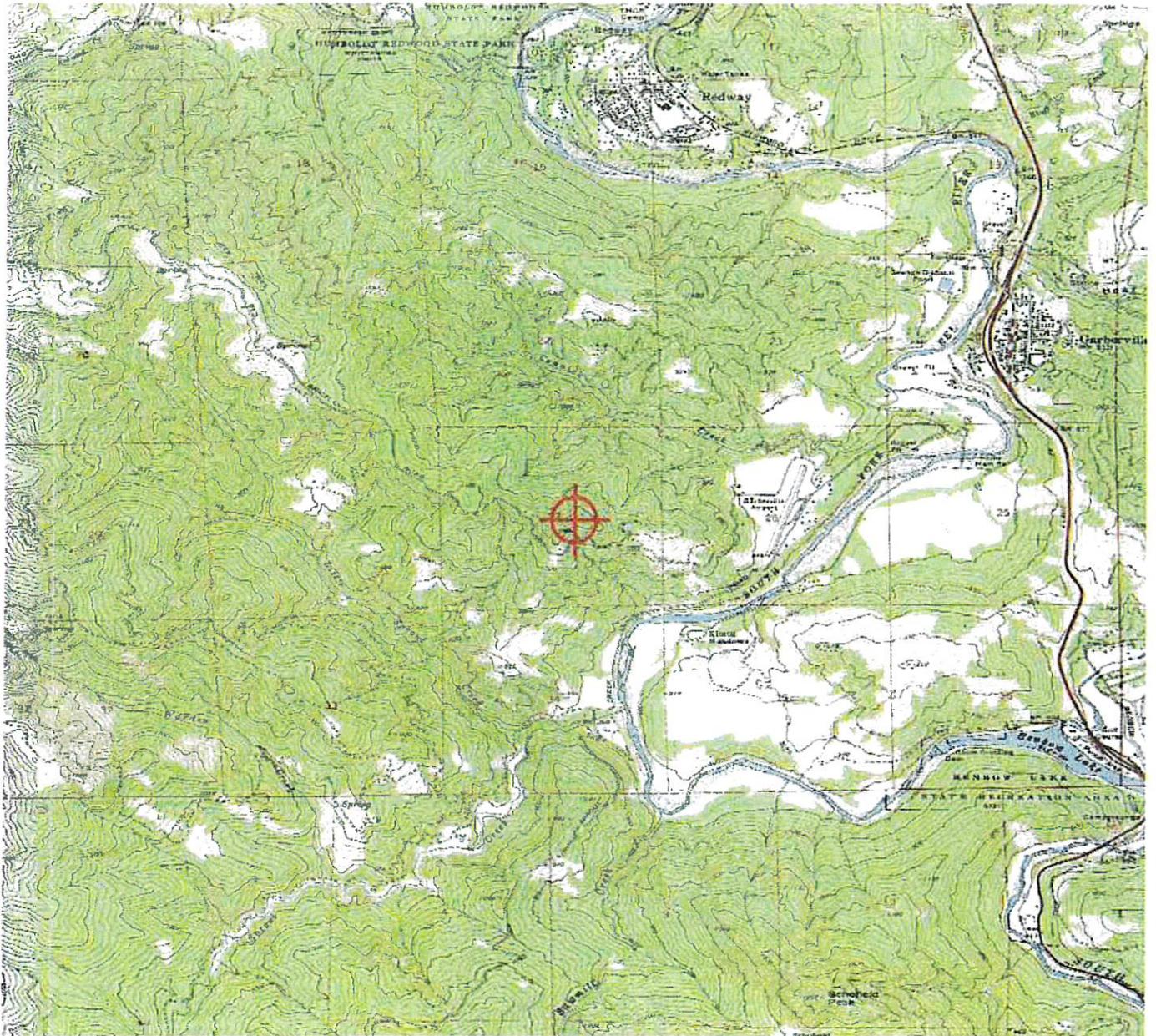
Karen McDonald

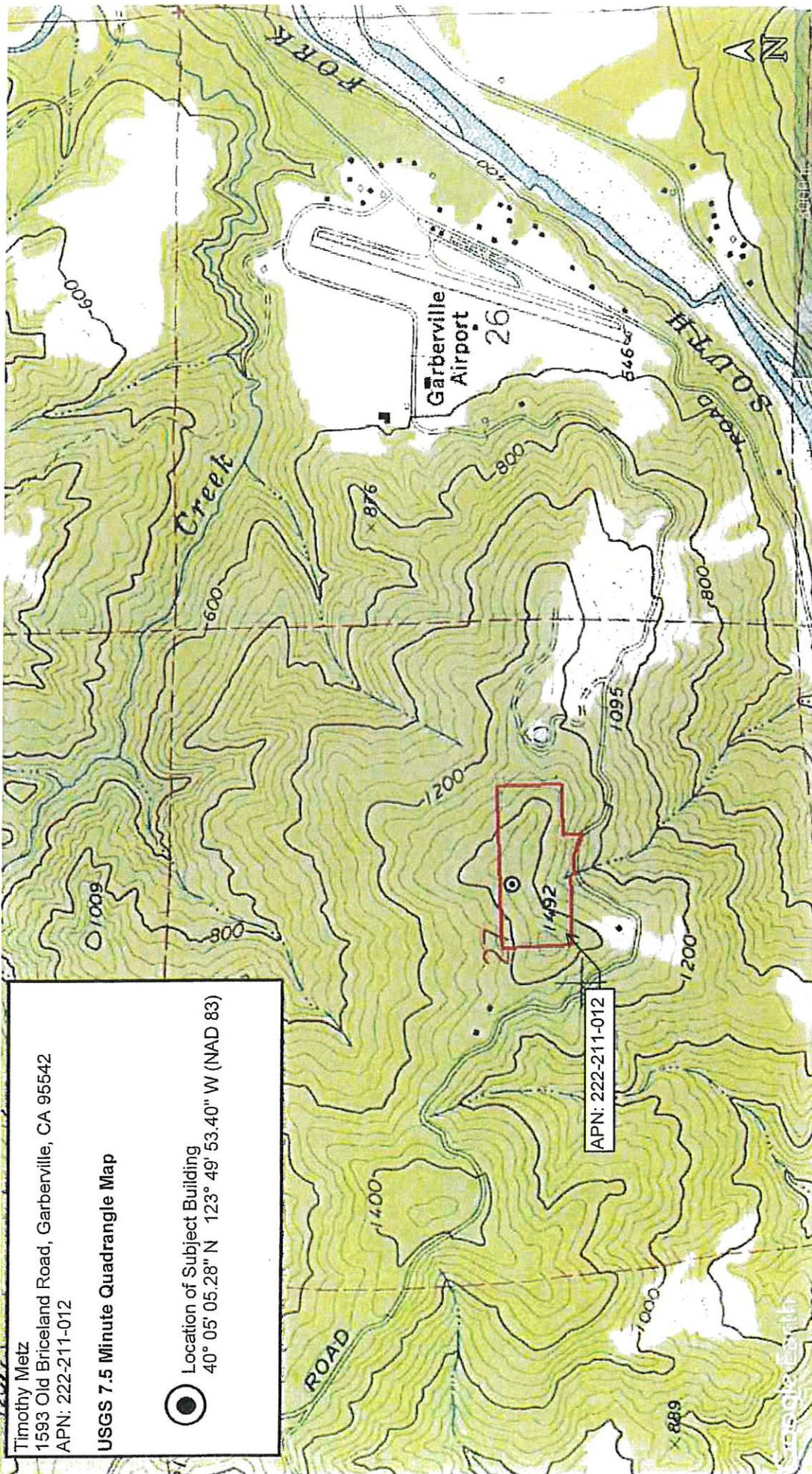
Specialist

Attachment(s)

Map(s)

TOPO Map for ASN 2019-AWP-7446-OE



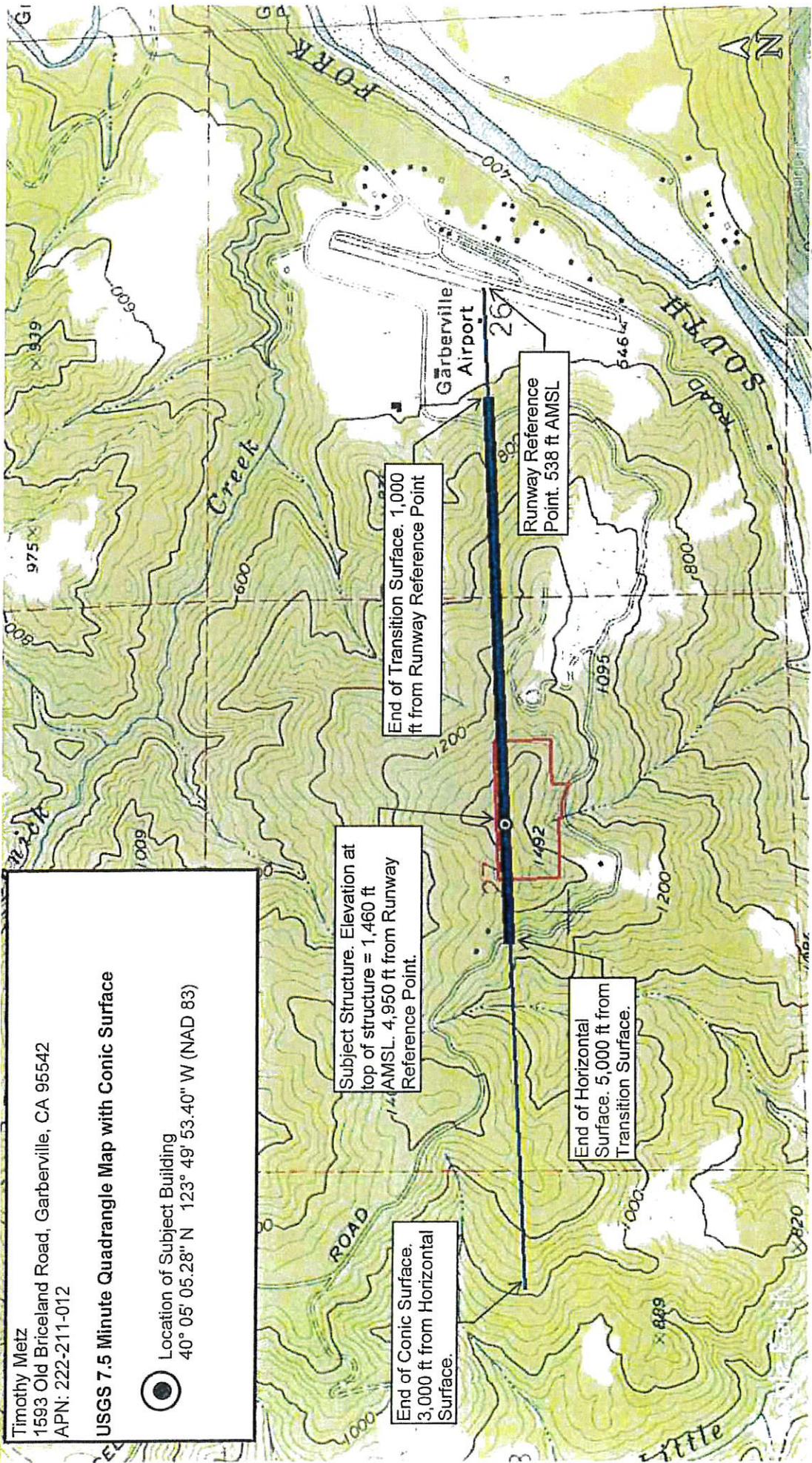


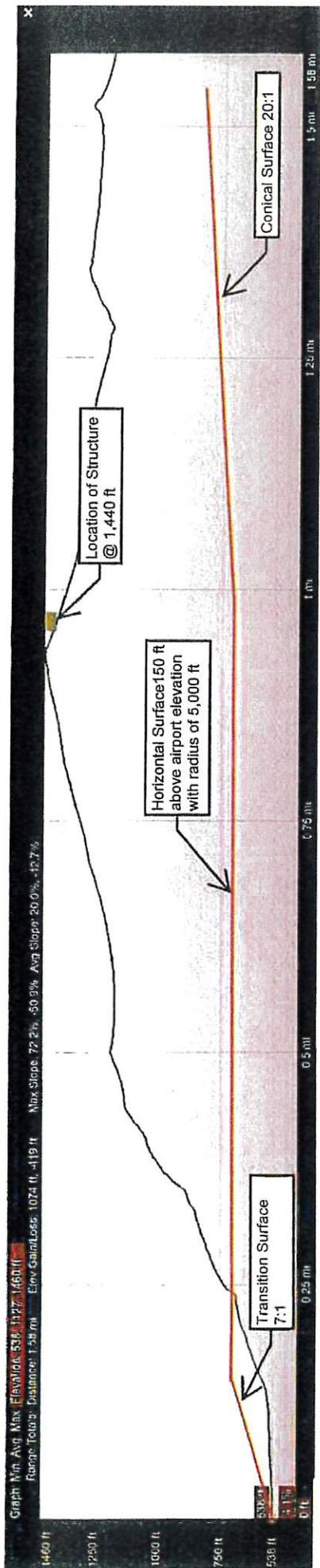
Timothy Metz
 1593 Old Briceland Road, Garberville, CA 95542
 APN: 222-211-012

USGS 7.5 Minute Quadrangle Map

● Location of Subject Building
 40° 05' 05.28" N 123° 49' 53.40" W (NAD 83)

APN: 222-211-012







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 039-3595

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

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7309

ADMINISTRATION 445-7481 BUSINESS 445-7452 ENGINEERING 445-7377 FACILITY MAINTENANCE 445-7493
NATURAL RESOURCES 445-7741 NATURAL RESOURCES PLANNING 267-9590 PARKS 445-7851 ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

AIRSPACE CERTIFICATION FORM

Airport Name: Garberville Airport Runway Number: 18 / 36

Project Name: Timothy Metz

Project Address: 1593 Old Briceland Road, Garberville, CA 95542

Project APN: 222-211-012

Planning & Building Department Application and Project Numbers: XXXX

Brief Project Description: Standard building permit on existing single family residence.

Maximum Height of proposed structure above ground level (feet): 20

Closest vertical distance between the structure and the imaginary surfaces (feet): 752

1. Is the proposed project in compliance with County Code Section 333-4 (Height Limits) for the above airport?
[] Yes [x] No

2. Does the proposed project penetrate any imaginary surfaces defined in 14 CFR Part 77 for the above airport?
[x] Yes [] No

3. Does the proposed project penetrate any surfaces defined in an aviation/flight easement?
[] Yes [x] No recording information for easement
[] Not Applicable; there is no easement of record.

4. This certification is:
[] Pre-construction (based on plans) [x] Post-construction (based on survey)*

* A post-construction certification based upon a field survey is required when the proposed structure is within 5 feet of the imaginary surfaces.

5. This certification is based upon:
[] Field survey [x] USGS maps*

*USGS maps shall only be used to demonstrate that the tallest point of the proposed structure is at least 20 feet lower than the imaginary surface. If not, a field survey is required.

6. Status of FAA Form 7460-1:
[] Approved by FAA without conditions*
[] Approved by FAA with conditions*
[x] Not required; exempt per See attached Draft FAA Form 7460-1

*Attach a copy of all FAA response documents.
** See FAA Form 7460-1 instructions for exemptions.

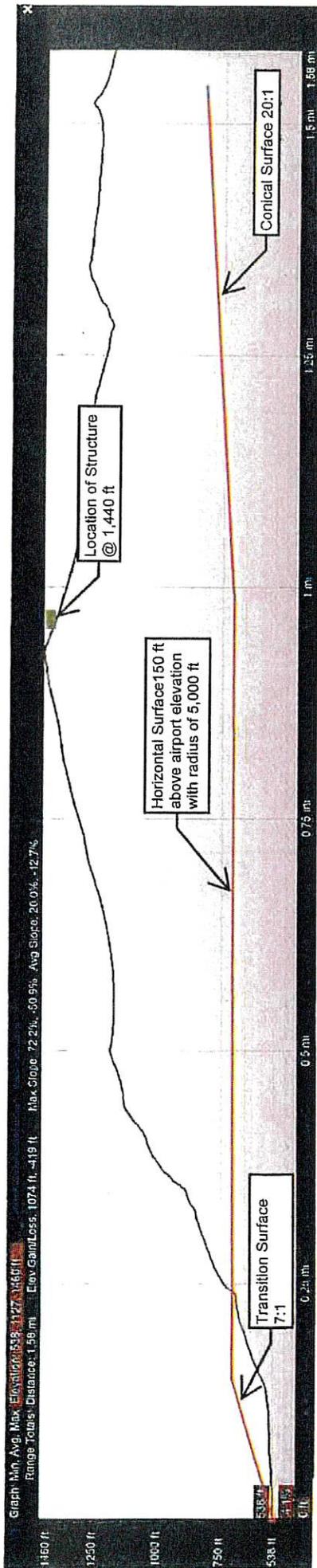
Attached are signed and stamped calculations and survey data supporting the above statements. I certify that the statements above are true and correct.

Signature of Land Surveyor or Civil Engineer

5-14-19 Date



Table with 3 columns: Certification Type, Recommendation, and By/Date. Rows include Pre-Construction, Post-Construction, and Staff certification in lieu of completing form.





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

10/25/2017

PROJECT REFERRAL TO: United States Army Corps of Engineers

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, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sinkyone, SWRCB, Division of Water Rights, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name King Range Botanicals LLC **Key Parcel Number** 222-211-011-000

Application (APPS#) 11351 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-209

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 11/9/2017 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: _____

DATE: _____ PRINT NAME: _____



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

October 30, 2017

Regulatory Division

SUBJECT: File Number 2017-514N

King Range Botanicals LLC
Attn: Timothy Metz
2525 Old Briceland Road
Garberville, California 95542

Dear Mr. Metz:

This letter is written in response to a request for comments by the Planning Commission Clerk, County of Humboldt Planning and Building Department, dated October 25, 2017 concerning a proposal by King Range Botanicals LLC to seek out a special permit for an existing 10,000 square foot outdoor cannabis cultivation operation in two cultivation areas. The project is located in the Garberville area, on the north side of Old Briceland Road, approximately 2.14 miles west from the intersection of Old Briceland Road and Connick Creek Road (APN: 222-211-011), in Humboldt County, California. The applicant proposed activities include working onsite in two (2) cultivation areas. Area one (1) consists of 5,000 square foot in greenhouses and area two (2) is full-sun outdoor. Drying and curing occurs on site in existing buildings and additional processing (i.e. trimming) will occur off site at a licensed processing facility. Irrigation water that will be used is sourced from a well and spring diversion. Water storage consist of 45,500 gallons in six (6) tanks and a 150,000 gallon pond for a total of 195,500 gallons. Since this activity may involve impacts to wetlands adjacent to other waters of the United States and, therefore, may impact a water of the U.S., the United States Army Corps of Engineers (Corps) will need to review those portions of your project.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work may be within our jurisdiction. **Please note:** Cultivation of marijuana is considered a crime under Federal law and, therefore, the Corps is unable to issue a 404 CWA permit for any discharge of fill into waters of the United States associated with this project. We recommend that the project be designed to avoid all impacts to jurisdictional waters of the United States, including the Connick Creek and its tributary and any adjacent wetlands that may be present.

We further recommend that a jurisdictional survey (delineation) be conducted for your property and an illustrated and scaled topographic map, or site plan provided to this office for verification. When this document is forwarded, the Corps staff will validate and authenticate the limits of Corps jurisdiction. While it is not necessary to confirm all boundary points, the Corps

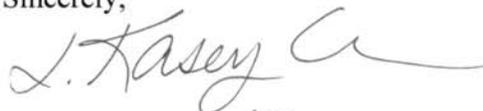
will verify the jurisdictional boundary along one or more transects and may visit random intermediate points. All delineations of wetlands must be conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, or appropriate Regional Supplement, and submitted to the District for review and verification. Two Regional Supplements have been approved for use within the boundaries of the San Francisco District: the Arid West Supplement, and the Western Mountains, Valleys and Coast Supplement. Copies of these documents are available to download on our website: <http://www.spn.usace.army.mil/Missions/Regulatory/JurisdictionDeterminations.aspx>.

Corps staff will do the jurisdictional mapping, if you so choose. However, due to limited staff and resources, response time can be several months or longer. To expedite this process, the San Francisco District encourages applicants to use consultants to conduct wetland delineations, especially for large and/or complex areas. The San Francisco District is not authorized to recommend any private consulting services and advises applicants to check references and referrals of prospective consultants before contracting services.

The Corps also suggests that you contact the appropriate Regional Water Quality Control Board and California Department of Fish and Wildlife offices to ensure they review your project relative to their permitting requirements for activities that may impact aquatic resources.

You may refer any questions on this matter to the Eureka Field Office Regulatory staff by telephone at 707-443-0855 or by e-mail at Cameron.R.Purchio@usace.army.mil or L.K.Sirkin@usace.army.mil. All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

Sincerely,



Holly Costa *for*
Regulatory North Branch Chief