



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: August 4, 2022

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **VZIR, LLC, Special Permit and Lot Line Adjustment**

Record Number: PLN-2021-16943

Assessor's Parcel Number: 107-103-014

Honeydew Area

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Please contact Michael Holtermann, Planner, at (707) 268-3737, or by email at mholtermann@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 4, 2022	Special Permit and Lot Line Adjustment	Michael Holtermann

Project Description: The applicant is seeking a Special Permit for 15,480 square feet of new mixed light commercial cannabis cultivation. Cultivation will occur in seven (7) 2,040 square foot greenhouses. Ancillary propagation will occur in one (1) 1,200 square foot greenhouse. The applicant anticipates obtaining two cultivation cycles annually. Water for irrigation will be provided by a proposed 350,000-gallon rainwater catchment pond which is shared with the adjacent parcel under the same ownership (APN 107-103-015). The projected annual water usage totals 142,000 gallons. The proposed water storage for this project and the project on the adjacent parcel (PLN-2021-16943) totals 441,000 gallons in hard sided tanks and the proposed pond. The applicant proposes drying, harvest storage, waste storage, and chemical storage to occur in a proposed 2,560 square foot ag exempt building. The applicant proposes to conduct trimming onsite within a proposed 256-square-foot commercial processing facility. The applicant anticipates a maximum of five (5) employees will be required for operations. Power for the project will be provided by PG&E. A generator will be kept on site for emergency backup use.

The applicant is also seeking the completion of a LLA between two parcels (APN 107-103-014 and APN 107-103-015) resulting in two parcels. The purpose of the LLA is to create one approximately 10.38-acre parcel and one approximately 27.62-acre parcel. This will allow APN 107-103-014 to meet minimum parcel size standards for commercial cannabis cultivation. The adjacent parcel, APN 107-103-015, has an approved cannabis application (PLN-2019-16133), and a commercial cannabis application that is being processed currently (Application PLN-2021-16942).

Project Location: This project is located in Humboldt County, in the Honeydew area, on the west side of Mattole Road, approximately 1.57 miles west from the intersection of Mattole Road and Etter Road, on the property known to be in the northeast quarter of the southwest quarter of the southwest quarter of Section 2 of Township 03 South, Range 01 West, Humboldt Base & Meridian.

Present Plan Land Use Designation: Residential Agriculture (RA5-20), Density: Range is 5 to 20 acres per unit, 2017 General Plan, Slope Stability: Moderate Instability (2) and High Instability (3)

Present Zoning: Unclassified (U)

Record Number: PLN-2021-16943

Assessor Parcel Number: 107-103-014 & 107-103-015

Applicant

VZIR, LLC
Valentin Valkov
42458 Mattole Rd
Petrolia, CA 95558

Owner

Valentin Valkov
42458 Mattole Rd
Petrolia, CA 95558

Agent

PR Professional Services
3034 H St. Ste B
Eureka, CA 95503

Environmental Review: An Addendum to a previously adopted Environmental Impact Report 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.

VZIR, LLC

Record Number: PLN-2021-16943
Assessor's Parcel Number: 107-103-014

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted EIR for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and Lot Line Adjustment, and adopt the Resolution approving the VZIR, LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: VZIR, LLC, is seeking a Special Permit for 15,480 square feet of new mixed light commercial cannabis cultivation. Cultivation will take place in seven (7) 2,040 square foot greenhouses, and ancillary propagation will occur in one (1) 1,200 square foot greenhouse. The applicant anticipates there will be two cultivation cycles annually.

The applicant proposes drying, harvest storage, waste storage, and chemical storage to occur in a proposed 2,560 square foot ag exempt building. The applicant proposes to conduct trimming onsite within a proposed 256-square-foot commercial processing facility. The applicant anticipates a maximum of five (5) employees will be required for operations. The applicant anticipates a maximum of five (5) employees will be required for operations. Artificial lighting used for project activities will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO (**General Condition B.2**). Energy for the operation will be provided by PG&E. A 25kW generator will be kept on site for emergency backup use.

Water Resources

Water for irrigation will be provided by a proposed 350,000-gallon rainwater catchment pond that is shared with the cannabis operation on the adjacent property (APN 107-103-015). The projected annual water usage is 142,000 gallons. Water use on the neighboring parcel (APN 107-103-015) is estimated at 214,000 gallons annually for a total annual water use of 356,000 gallons across both parcels. The applicant submitted a memo detailing the expected water loss due to evaporation prepared by Northpoint Consulting Group dated June 21, 2022. The memo projects approximately 21% of the pond depth to be lost due to evaporation. It is estimated that the rainwater collection system and proposed pond can collectively capture approximately 367,500 gallons of water for irrigation.

Prior to commencing operations, the applicant is required to construct the 350,000-gallon rainwater catchment pond. Photo documentation or a site visit from Planning Staff, documenting that there is adequate rainwater stored in the pond and onsite to support the operation will satisfy this requirement (**General Condition A.19**).

Biological Resources

The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 219 permits and the total approved acres would be 77.36 acres of cultivation. The proposed parcel has a mapped summer-run steelhead trout CNDDDB occurrence surrounding the Mattole River. The nearest NSO activity center

(HUM1012) is approximately 0.68 miles northwest of the cultivation area, and another activity center (HUM0536) is approximately 1.17 miles southwest of the cultivation area. Due to the proximity of NSO activity centers, the project has been conditioned to limit project related noise to 50db 100 feet from the noise source or edge of habitat, whichever is closer. Prior to commencing operations, the applicant will submit a Noise Source Assessment documenting average ambient noise levels (**General Condition A.12**).

The applicant submitted a Biological Assessment prepared by Timberland Resource Consultants dated May 20, 2020. The report found that the Biological Assessment Area had suitable habitat for a number of sensitive species, however with recommended mitigation measures project activities would result in less than significant direct and indirect impacts. Biologist recommendations have been included as a condition of approval for the project in Attachment 1 below (**Condition A.12**).

The applicant submitted a report prepared by a Registered Professional Forester to address CalFIRE referral comments. Based on the attached report dead fir trees were removed from the adjacent parcel under the same ownership. No trees were removed from the subject parcel.

The applicant submitted a *Botanical Survey* dated June 3, 2022. The report did not locate any special status plant species or sensitive natural communities. Prior to commencing operations, the applicant will submit an Invasive Species Management Plan, to the Planning Department, documenting the invasive species onsite and provide a timeline for their removal on an annual basis (**General Condition A.20**).

Access

The property is accessed via private driveway from Mattole Road, a County-maintained Road with a centerline stripe. The Department of Public Works recommended approval of the project with conditions. The conditions include relocation of any gates out of the County right-of-way, paving the driveway apron for a minimum width of 18 feet and a minimum length of 50 feet, and to maintain the driveway intersection with Mattole Road in accordance with the County Sight Visibility Ordinance. These have been included in the recommended conditions of approval (**General Conditions A.14-16**).

Tribal Consultation

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. No referral responses were received. The applicant submitted a Cultural Resource Inventory Report included in the application materials, evaluating the subject properties. The survey was positive, resulting in the location of a previously recorded artifact. No new resources were observed, and the report concluded the current and proposed cannabis operation will have no effect to any historic resources from the project.

Lot Line Adjustment

The applicant proposes a Lot Line Adjustment (LLA) between two parcels resulting in two parcels. The purpose of this LLA is to accommodate proposed cannabis improvements associated with APN 107-103-014. A complete application has been submitted to the Planning Department.

	Current APN	Area Before LLA	Area After LLA
Parcel A	107-103-014	2.5 acres	10.38 acres
Parcel B	107-103-015	35.55 acres	27.62 acres

Environmental Review

Based on the results of the analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information).

RECOMMENDATION: 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 22-**

**Record Number: PLN-2021-16943
Assessor's Parcel Number: 107-103-014**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the VZIR, Special Permit request

WHEREAS, VZIR, LLC, submitted an application and evidence in support of approving a Special Permit for the operation of a proposed 15,480 square foot mixed light cannabis operation with appurtenant propagation, drying and trimming activities, and a Lot Line Adjustment;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on August 4, 2022, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is Special Permit for the operation of a proposed 15,480 square foot mixed light cannabis operation with appurtenant propagation, drying and trimming activities and a Lot Line Adjustment. Power is provided by PG&E with a backup 25 kW generator within secondary containment. Water for irrigation will be provided by a proposed 350,000-gallon rainwater catchment pond and supplemented by the existing rainwater collection system on the adjacent parcel under the same ownership (APN 107-103-015).

EVIDENCE: a) Project File: PLN-2021-16943

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

EVIDENCE: a) Addendum Prepared for the proposed project.
b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. 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.

- d) A Biological Reconnaissance Assessment was prepared by Timberland Resource Consultants dated May 2020, with adherence to biologist recommendations included as conditions of approval.
- e) The property is accessed via private driveway from Mattole Road, a County-maintained Road with a centerline stripe. The Department of Public Works recommended approval of the project with conditions. The conditions include relocation of any gates out of the County right-of-way, paving the driveway apron for a minimum width of 18 feet and a minimum length of 50 feet, and to maintain the driveway intersection with Mattole Road in accordance with the County Sight Visibility Ordinance. These have been included in the recommended conditions of approval
- f) The project is in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. No referral responses were received. The applicant submitted a Cultural Resource Inventory Report included in the application materials, evaluated the subject properties. The survey was positive, resulting in the location of a previously recorded artifact. No new resources were observed, and the report concluded the current and proposed cannabis operation will have no effect to any historic resources from the project.
- g) The applicant submitted a *Botanical Survey* dated June 3, 2022. The report did not locate any special status plant species or sensitive natural communities. Prior to commencing operations, the applicant will submit an Invasive Species Management Plan, to the Planning Department, documenting the invasive species onsite and provide a timeline for their removal on an annual basis.

FINDINGS FOR SPECIAL PERMIT

3. FINDING

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

EVIDENCE

General agriculture is a use type permitted in Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING

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

- EVIDENCE**
- a) General agricultural is a principally permitted use in the U zone.
 - b) Humboldt County Code section 314-55.4.6 allows cultivation of up to 43,560 square feet of new outdoor cannabis and up to 43,560 square feet of new mixed-light cannabis on a parcel over 10 acres subject to approval of a Special Permit. The application for 15,300 square feet of mixed light cultivation on a 10.25-acre parcel is consistent with this.

5. FINDING The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) The CCLUO allows new cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.6.1.1) where accompanied by a Resource Production General Plan land use designation.
 - b) The subject parcels have been determined to be legal parcels (parcels 2 and 3) as shown on Parcel Map recorded in Book 15 of Parcel Maps page 63.
 - c) The project will obtain water from rainwater catchment, a non-diversionary water source.
 - d) The property is accessed via private driveway from Mattole Road, a County-maintained Road with a centerline stripe.
 - e) The slope of the land where cannabis will be cultivated is less than 15%.
 - f) The proposed Lot Line Adjustment will result in a 10.38-acre parcel, which meets the minimum standards for parcel size for the proposed cultivation size pursuant to HCC 314-55.4.6.1.2.
 - f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, church, or Tribal Cultural Resource. Where within 300 feet of an off-site residence, the applicant has obtained written consent from the neighboring property owner to reduce the setback.

6. FINDING The cultivation of 15,480 square feet of mixed light cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The property is accessed via private driveway from Mattole Road, a County-maintained Road with a centerline stripe.
 - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not

change the character of the area due to the large parcel sized in the area.

- c) Where within 300 feet of an off-site residence, the applicant has obtained written consent from the neighboring property owner to reduce the setback.
- d) Irrigation water will be sourced from a proposed rainwater catchment pond.
- e) Artificial lighting used for project activities will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO.
- f) A *Biological Reconnaissance Assessment* was prepared by Timberland Resource Consultants dated May 2020, with adherence to biologist recommendations included as conditions of approval. No special status species or sensitive natural communities are anticipated to be impacted by the project.
- g) The project is in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. No referral responses were received. The applicant submitted a Cultural Resource Inventory Report included in the application materials, evaluated the subject properties. The survey was positive, resulting in the location of a previously recorded artifact. No new resources were observed, and the report concluded the current and proposed cannabis operation will have no effect to any historic resources from the project.
- h) The applicant submitted a *Botanical Survey* dated June 3, 2022. The report did not locate any special status plant species or sensitive natural communities. Prior to commencing operations, the applicant will submit an Invasive Species Management Plan, to the Planning Department, documenting the invasive species onsite and provide a timeline for their removal on an annual basis.
- i) The applicant is required to submit a Noise Source Assessment, which documents average ambient noise levels. Project related noise must not result in an increase of more than 3 decibels.

7. FINDING

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

EVIDENCE

The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element.

8. FINDIING

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

EVIDENCE The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 219 permits and the total approved acres would be 77.36 acres of cultivation.

FINDINGS FOR LOT LINE ADJUSTMENT

9. FINDING The proposed Lot Line Adjustment (LLA) is consistent with the requirements of Humboldt County Code §325.5-1.

EVIDENCE

- a) The applicant has submitted a complete application.
- b) Both parcels are zoned U (Unclassified). The LLA will not affect the ability of the parcel to be developed consistent with health, building, and zoning requirements.
- c) The parcels meet minimum parcel size standards, and the LLA would not result in non-conformance with zoning code.

10. FINDING The proposed development is in conformance with the purposes of the existing U zone.

EVIDENCE

- a) The LLA neither causes non-conformance nor increases the severity of preexisting nonconformity with zoning and building ordinances. The project complies with all applicable setbacks of the zone.

11. FINDING The proposed development is in conformance with the applicable policies and standards of the Humboldt County General Plan.

EVIDENCE

- a) The proposed LLA will not impact any cultural or biological resources and the development and use of the site will continue to comply with the Humboldt County General Plan.

12. FINDING The proposed development will not adversely impact the environment, and will not be detrimental to the public health, safety or welfare and will not be materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The purpose of the LLA is to facilitate a more beneficial and valuable agricultural opportunities for the property owner. The parcel is consistent with the general plan designation (RA) and the underlying zoning district (Unclassified). The LLA will result in two legal parcels of approximately 10 and 27 acres.
- b) No Biological Resources will be impacted as a result of the LLA. The areas of existing development have been adequately surveyed by a qualified professional
- c) No Tribal Cultural Resources will be impacted as a result of the LLA. The areas of existing development have been adequately surveyed by a qualified professional
- d) All responding referral agencies have approved, conditionally approved, or declined to comment on the project. The project will not result in changes in land use or density and will not create new parcels.

DECISION

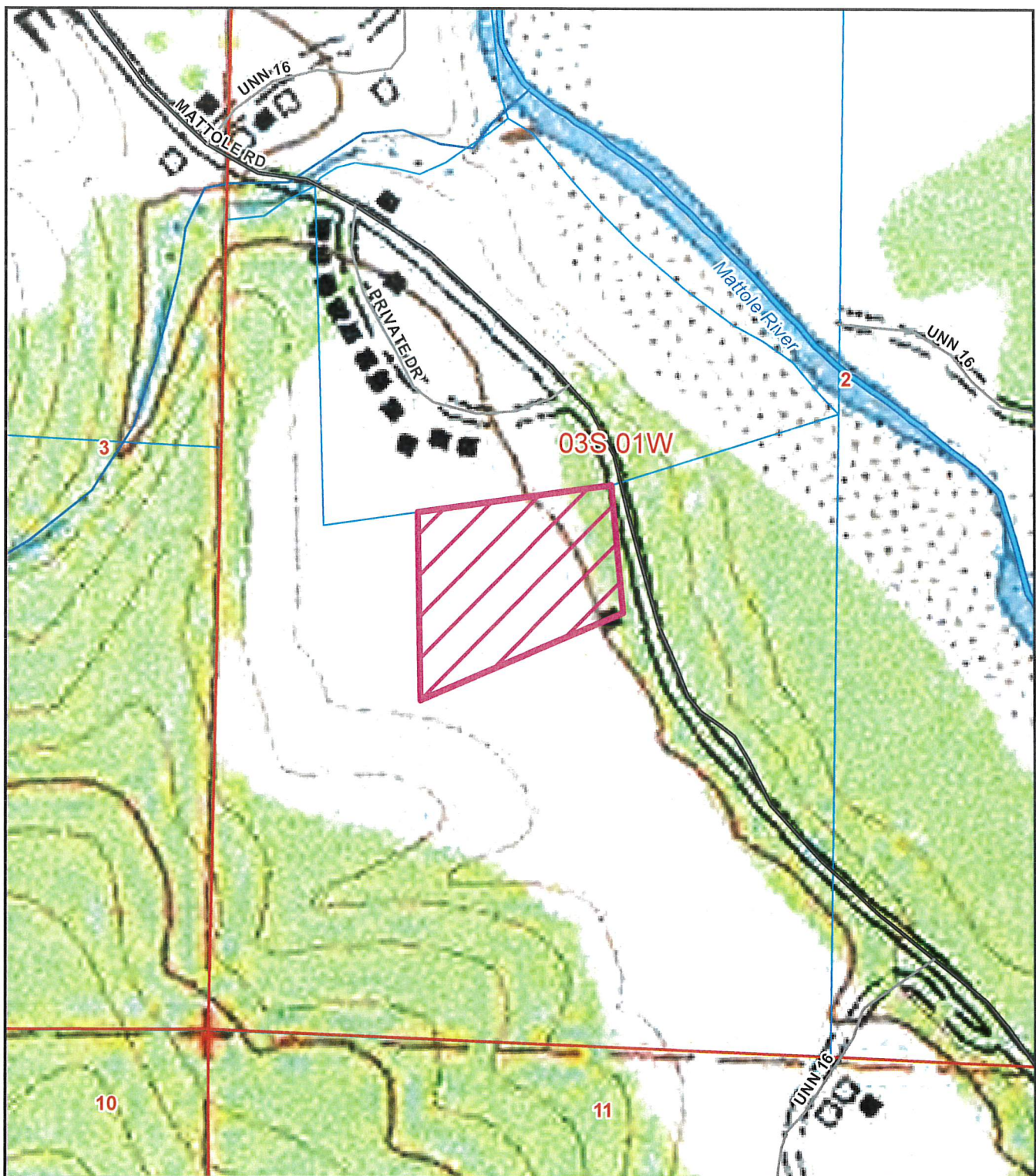
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

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

Adopted after review and consideration of all the evidence on August 4, 2022

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

John H. Ford, Zoning Administrator
Planning and Building Department



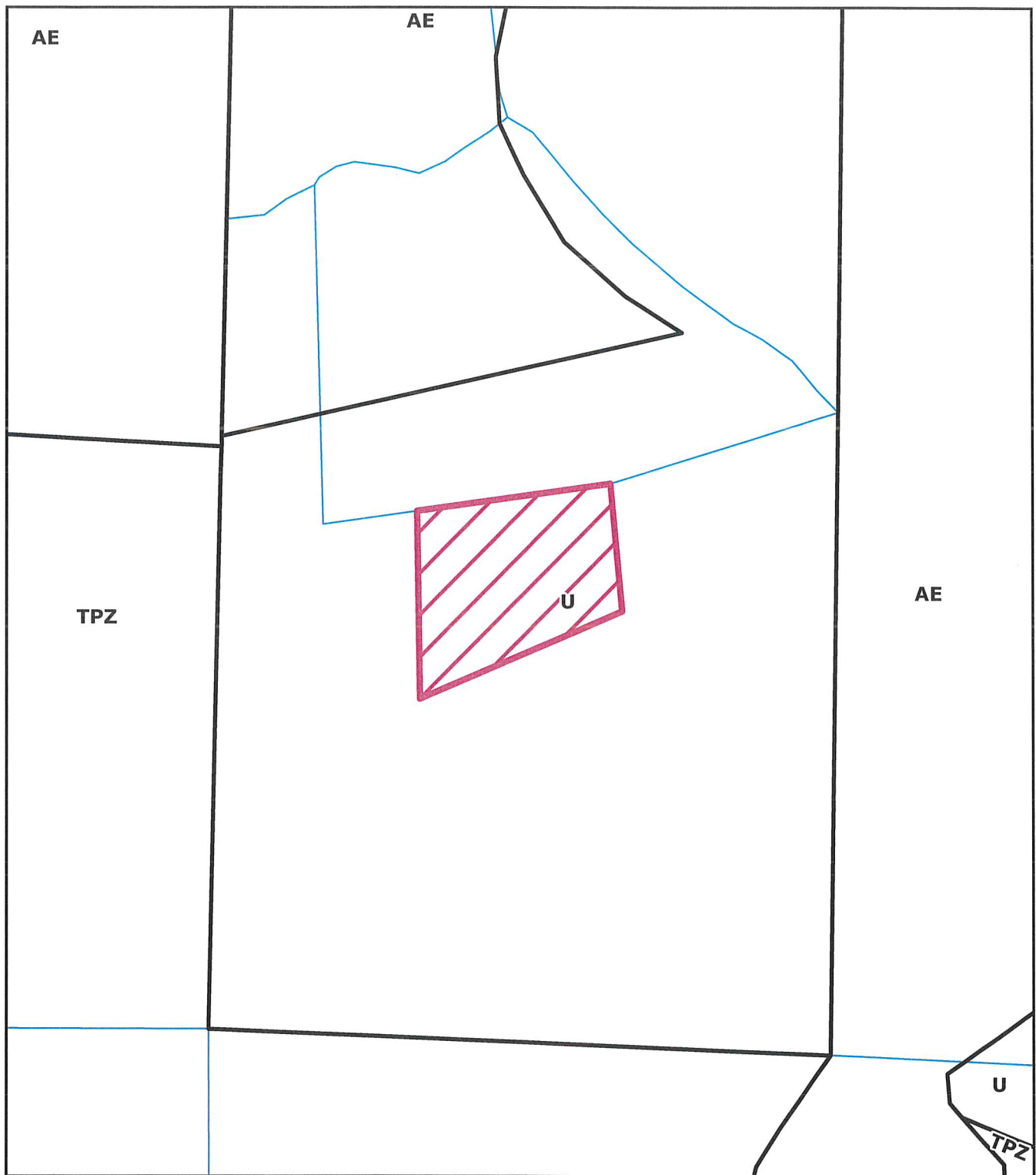
Project Area = 

**TOPO MAP
PROPOSED VZIR, LLC
HONEYDEW AREA
PLN-2021-16943
APN: 107-103-014
T03S R01W S2 HB&M (SHUBRICK PEAK)**

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.

0 395 790 Feet





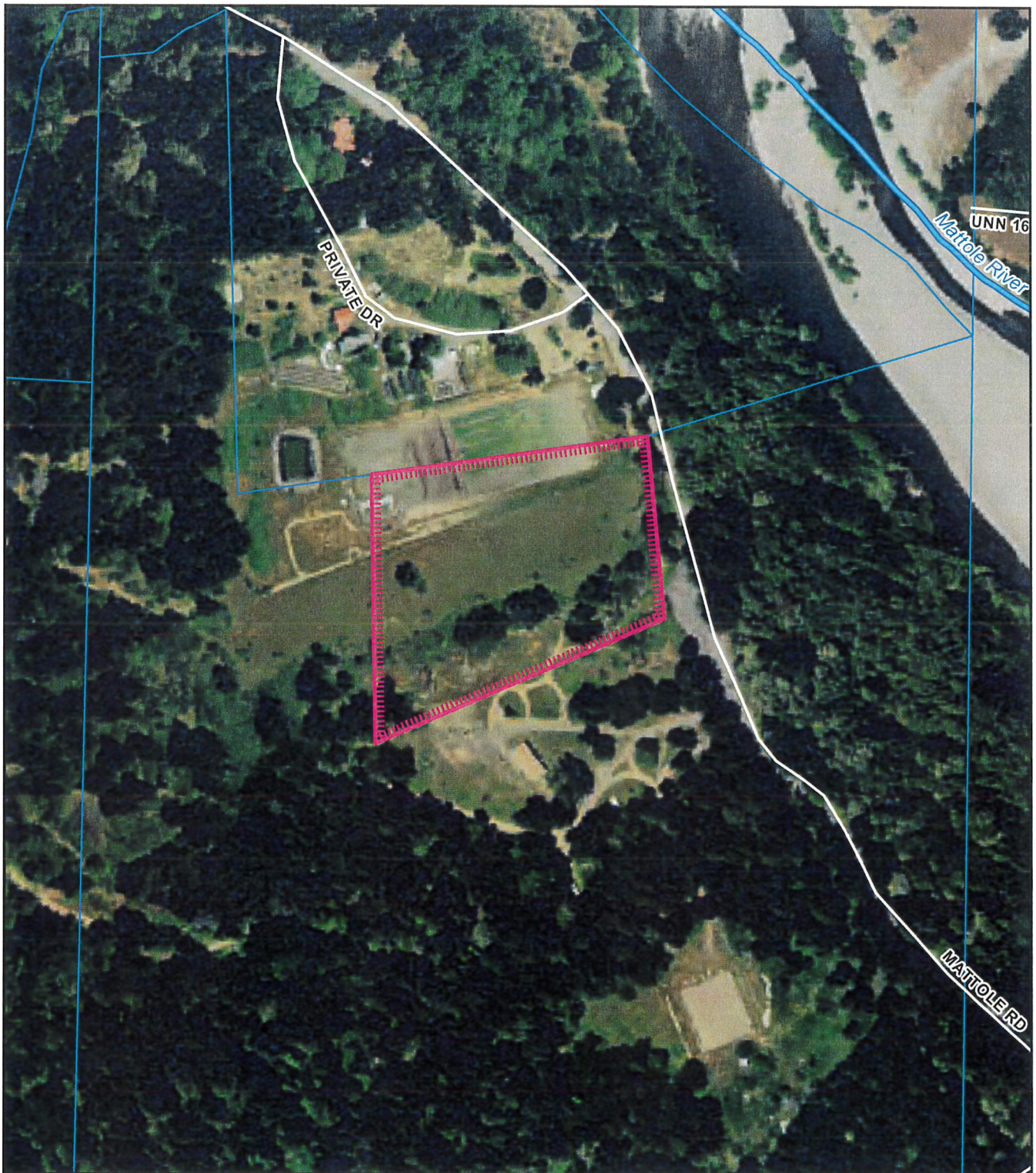
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**ZONING MAP
PROPOSED VZIR, LLC
HONEYDEW AREA
PLN-2021-16943
APN: 107-103-014
T03S R01W S2 HB&M (SHUBRICK PEAK)**



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





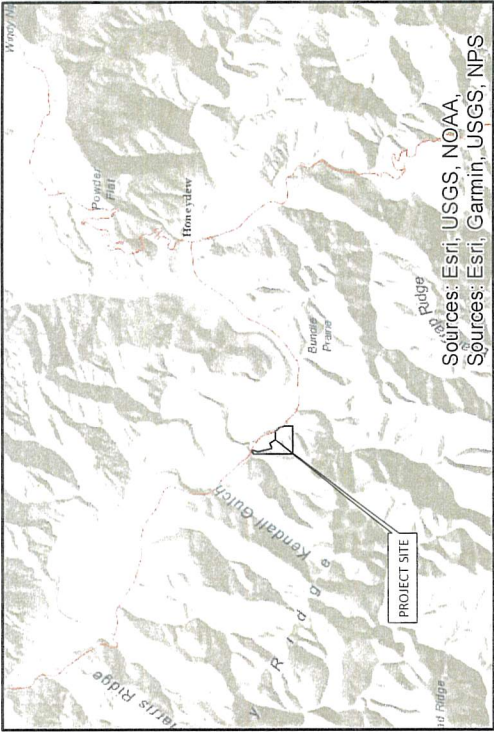
Project Area = 

**AERIAL MAP
PROPOSED VZIR, LLC
HONEYDEW AREA
PLN-2021-16943
APN: 107-103-014
T03S R01W S2 HB&M (SHUBRICK PEAK)**

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.

0 275 550 Feet





DIRECTIONS TO SITE

TAKE US-101 S FROM EUREKA TO EXIT 692 TOWARD FERNDALE/FERNBRIDGE. TURN RIGHT ONTO SINGLEY ROAD. CONTINUE ONTO FERNBRIDGE DRIVE, THEN TURN RIGHT ONTO CA-211 S. TURN RIGHT ONTO BLUFF STREET/OCEAN AVENUE. TURN LEFT ONTO WILDCAT AVENUE. KEEP RIGHT TO CONTINUE ON MATTOLE ROAD. CONTINUE ONTO FRONT STREET. TURN RIGHT ON MATTOLE ROAD AND THE PROJECT SITE WILL BE ON THE RIGHT.

PROJECT DESCRIPTION

A SPECIAL PERMIT APPLICATION (#16943) FOR 15,480 SQUARE FEET OF NEW MIXED LIGHT CULTIVATION AND APPURTENANT FACILITIES. THE APPLICANT PROJECTS ANNUAL WATER USAGE TO BE 158,000 GALLONS AND IS PROPOSING TO BUILD A 350,000 GALLON RAINWATER CATCHMENT POND. PROCESSING SUCH AS DRYING AND CURING WILL OCCUR ONSITE IN THE PROPOSED COMMERCIAL ADA-COMPLIANT FACILITY. ELECTRICITY WILL BE SOURCED FROM PG&E. THE PROJECT WILL REQUIRE FOUR EMPLOYEES. A LOT LINE ADJUSTMENT WILL BE INCLUDED TO ENSURE THE PARCEL MEETS MINIMUM SIZE REQUIREMENTS.

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 GIS DATA AND ADJUSTED BASED ON SURVEY MARKERS FOUND IN THE FIELD AND CONVERSATIONS WITH THE APPLICANT/OWNER.

PROPOSED LOT LINE ADJUSTMENT



APPLICANT

VZIR, LLC (#16943)
42458 MATTOLE ROAD
PETROLIA, CA 95558
APN 107-103-014

OWNER

VALENTIN VALKOV
42458 MATTOLE ROAD,
PETROLIA, CA 95558

OWNER AGENT

PR PROFESSIONAL SERVICES
3034 H Street, Suite B
EUREKA, CA 95501
(707)496-1455

SITE ADDRESS

42458 MATTOLE ROAD
PETROLIA, CA 95558

PREPARED BY CHRISTINA SUNDMAN
FOR PR PROFESSIONAL SERVICES
REVISED JUNE 20, 2022
SCALE 1:3,600 1 INCH = 300 FEET



- PROPOSED PARCEL BOUNDARY
- SUBJECT PARCEL
- BOUNDARY LINE TO BE REMOVED
- 100-YEAR FLOOD ZONE
- WATERCOURSE
- MATTOLE ROAD
- PRIVATE ROAD

VZIR, LLC

APPLICANT

VZIR, LLC (#16943)
VALENTIN VALKOV
42458 MATTOLE ROAD,
PETROLIA, CA 95545

OWNER

VALENTIN VALKOV
42458 MATTOLE ROAD,
PETROLIA, CA 95545

OWNER AGENT

PR PROFESSIONAL SERVICES
3034 H STREET, SUITE B
EUREKA, CA 95503
(707) 496-1455

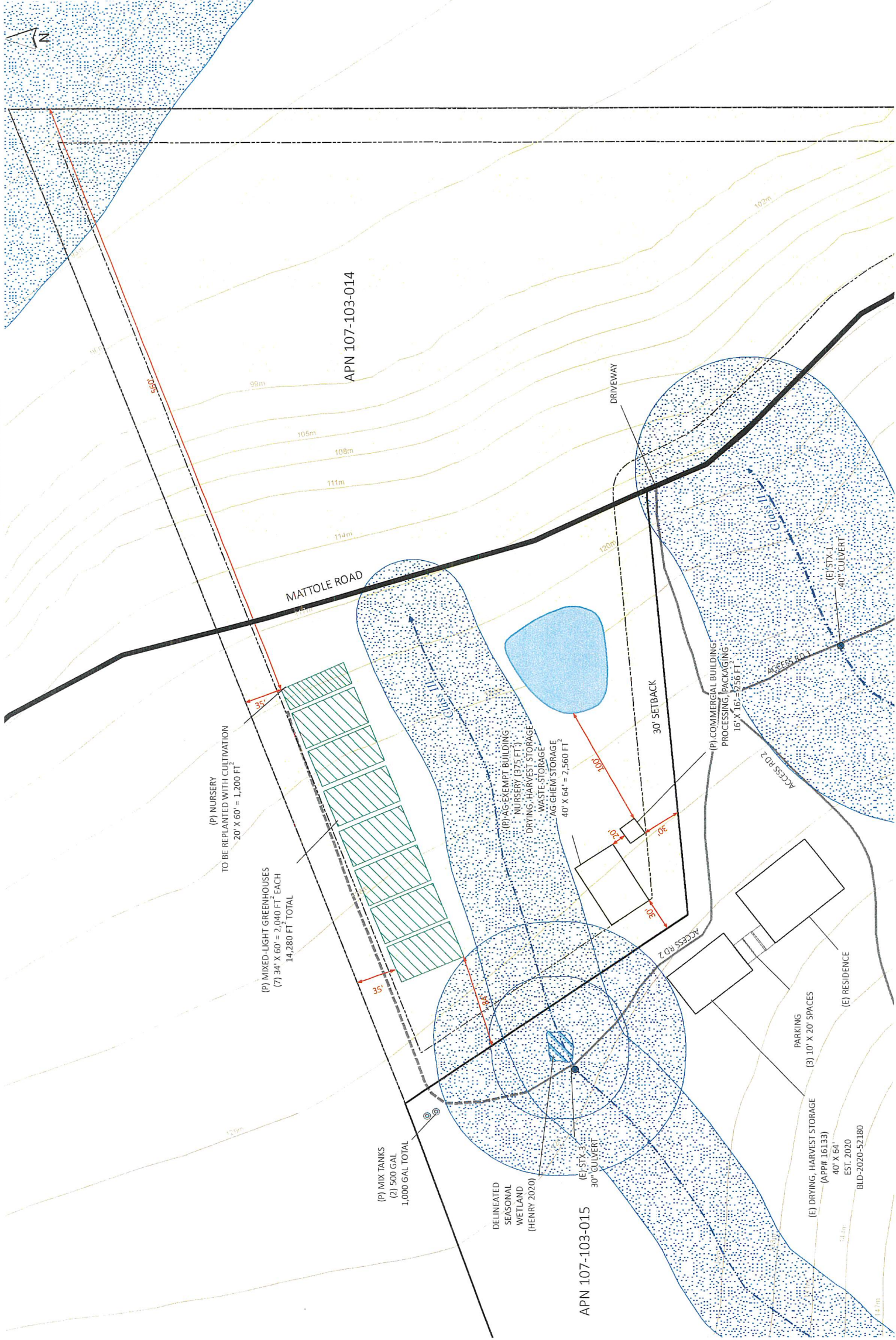
SITE ADDRESS

42458 MATTOLE ROAD
PETROLIA, CA 95545
APN 107-103-014

PREPARED BY CHRISTINA SUNDMAN
FOR PR PROFESSIONAL SERVICES
JUNE 20, 2022

SCALE 1:1,200 1 INCH = 100 FEET
PARCEL: HUMBOLDT COUNTY GIS 2021

ABBREVIATIONS:
STX: STREAM CROSSING
ML: MIXED LIGHT

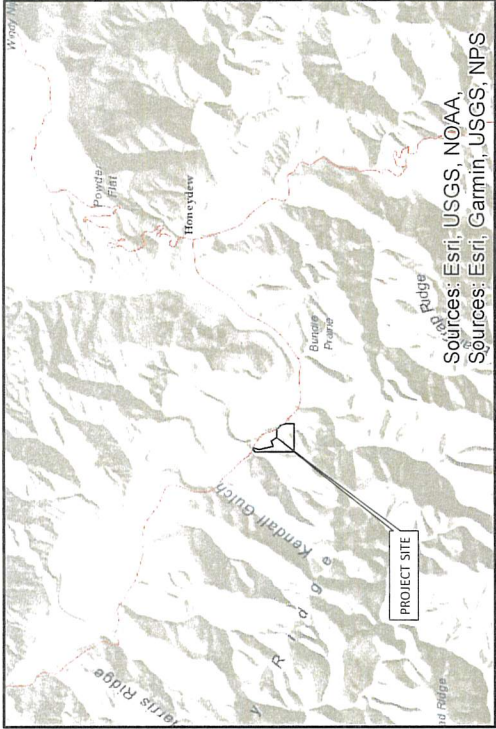


- Stream crossing (STX)
- Water tank
- Setback
- Watercourse

- Mattole Road
- Permanent rock road
- Proposed seasonal road

- Proposed parcel boundary
- 30 ft building setback line (BSL)
- Rainwater catchment pond

- Streamside Management Area (SMA)
- Proposed cultivation area



DIRECTIONS TO SITE

TAKE US-101 S FROM EUREKA TO EXIT 692 TOWARD FERNDALE/FERNBRIDGE. TURN RIGHT ONTO SINGLEY ROAD. CONTINUE ONTO FERNBRIDGE DRIVE, THEN TURN RIGHT ONTO CA-211 S. TURN RIGHT ONTO BLUFF STREET/OCEAN AVENUE. TURN LEFT ONTO WILDCAT AVENUE. KEEP RIGHT TO CONTINUE ON MATTOLE ROAD. CONTINUE ONTO FRONT STREET. TURN RIGHT ON MATTOLE ROAD AND THE PROJECT SITE WILL BE ON THE RIGHT.

PROJECT DESCRIPTION

A SPECIAL PERMIT APPLICATION (#16943) FOR 14,280 SQUARE FEET OF NEW MIXED LIGHT CULTIVATION AND APPURTENANT FACILITIES. THE APPLICANT PROJECTS ANNUAL WATER USAGE TO BE 158,000 GALLONS AND IS PROPOSING TO BUILD A 350,000 GALLON RAINWATER CATCHMENT POND. PROCESSING SUCH AS DRYING AND CURING WILL OCCUR ONSITE IN THE PROPOSED COMMERCIAL ADA-COMPLIANT FACILITY. ELECTRICITY WILL BE SOURCED FROM PG&E. THE PROJECT WILL REQUIRE FOUR EMPLOYEES. A LOT LINE ADJUSTMENT WILL BE INCLUDED TO ENSURE THE PARCEL MEETS MINIMUM SIZE REQUIREMENTS.

GENERAL NOTES

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY GIS DATA AND ADJUSTED BASED ON SURVEY MARKERS FOUND IN THE FIELD AND CONVERSATIONS WITH THE APPLICANT/OWNER.

PROPOSED LOT LINE ADJUSTMENT



APPLICANT

VZIR, LLC (#16943)
42458 MATTOLE ROAD
PETROLIA, CA 95558
APN 107-103-014

OWNER

VALENTIN VALKOV
42458 MATTOLE ROAD,
PETROLIA, CA 95558

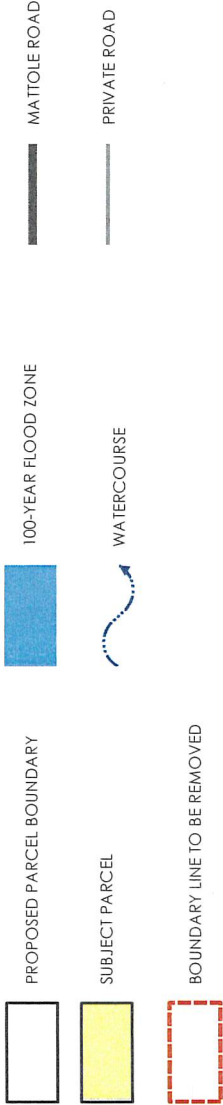
OWNER AGENT

PR PROFESSIONAL SERVICES
3034 H Street, Suite B
EUREKA, CA 95501
(707)496-1455

SITE ADDRESS

42458 MATTOLE ROAD
PETROLIA, CA 95558

PREPARED BY CHRISTINA SUNDMAN
FOR PR PROFESSIONAL SERVICES
REVISED JUNE 20, 2022
SCALE 1:3,600 1 INCH = 300 FEET



VZIR, LLC

APPLICANT

VZIR, LLC (#16943)
VALENTIN VALKOV
42458 MATTOLE ROAD,
PETROLIA, CA 95545

OWNER

VALENTIN VALKOV
42458 MATTOLE ROAD,
PETROLIA, CA 95545

OWNER AGENT

PR PROFESSIONAL SERVICES
3034 H STREET, SUITE B
EUREKA, CA 95503
(707)496-1455

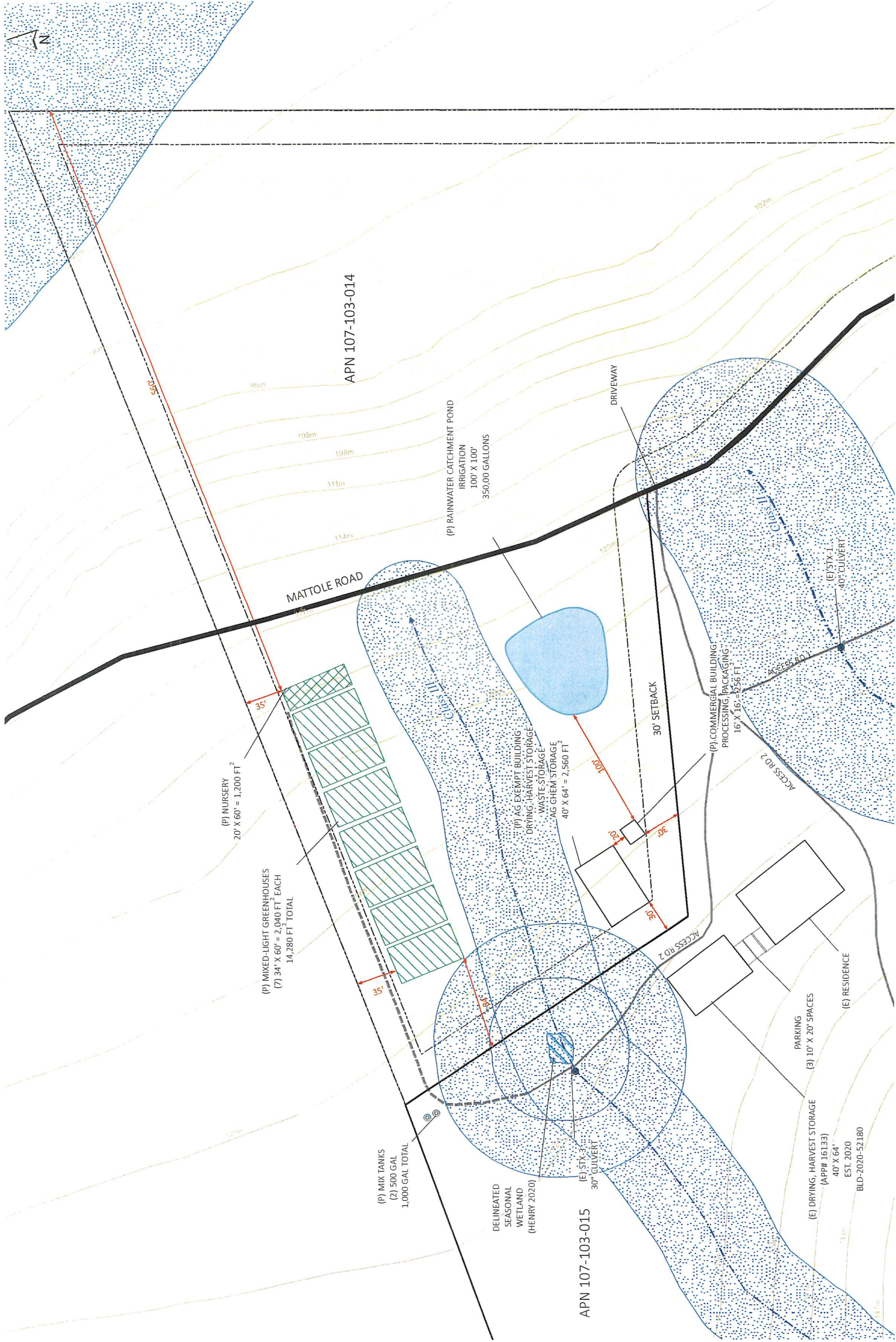
SITE ADDRESS

42458 MATTOLE ROAD
PETROLIA, CA 95545
APN 107-103-014

PREPARED BY CHRISTINA SUNDMAN
FOR PR PROFESSIONAL SERVICES
JUNE 20, 2022

SCALE 1"=1,200' 1 INCH = 100 FEET
PARCEL: HUMBOLDT COUNTY GIS 2021

ABBREVIATIONS:
STX: STREAM CROSSING
ML: MIXED LIGHT



● Stream crossing (STX)	— Mattole Road	■ Proposed parcel boundary	▨ Streamside Management Area (SMA)
● Water tank	— Permanent rock road	□ 30 ft building setback line (BSL)	▨ Proposed nursery
→ Setback	— Proposed seasonal road	■ Rainwater catchment pond	▨ Proposed cultivation area
~ Watercourse			

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 PROJECT MAY BEGIN OPERATING

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, the Department will file the Notice of Determination and will charge this cost to the project.
5. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
 - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$427.00 per notice plus \$292.00 for each additional legal description plus applicable recordation fees).
6. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for

review by the Planning and Public Works Departments.

7. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$75.00 per parcel) as required by the County Assessor shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
8. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
9. **Applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition.**

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

10. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$75.00) as required by the County Assessor shall be paid to the County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
11. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, the greenhouses, one (1) commercial processing building, and all other structures with a nexus to cannabis. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
12. Prior to commencing operations, the applicant will provide a Noise Source Assessment, consistent with the requirements of the CCLUO, documenting average ambient noise levels. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.
13. The applicant shall apply for and obtain a building permit for the proposed rainwater catchment pond. Sign-off on the Permit by the Building Division shall satisfy this requirement.

14. The applicant shall ensure all fences and gates are located 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. Confirmation from the Department of Public Works that the work has been done will satisfy this condition.
15. The applicant shall pave the surface of the intersection where Mattole Road meets the private driveway for a minimum of 18 feet and a length of 50 feet. Final signoff from the Department of Public Works will satisfy this condition.
16. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Final signoff from the Department of Public Works will satisfy this condition.
17. The Applicant shall provide the final Site Management Plan (SMP) report to the department when available. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to enrollment under the State Water Resource Control Board (SWRCB) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
18. The applicant shall adhere to all recommended mitigation measures in the Biological Assessment prepared by Timberland Resource Consultants dated May 20, 2020. Recommendations include:
 - a. Seasonally appropriate Floristic Surveys per CDFW protocols prior to any ground disturbing activities.
 - b. Nesting bird surveys prior to vegetation removal if vegetation removal is conducted during breeding bird season.
 - c. Nesting Raptor Survey prior to ground disturbance if ground disturbance is conducted during breeding bird season.
 - d. Restriction of heavy equipment use outside of critical period for Northern Spotted Owls. Alternatively, if the applicant elects to use heavy equipment during this period, the applicant shall conduct NSO Surveys pursuant to Section 9.0 Surveys for Disturbance Only Projects of CDFW's Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls.
 - e. Sonoma Tree Vole Surveys prior to any ground disturbing activities.
 - f. Invasive Plant removal if present within property boundaries.
19. Prior to commencing operations, the applicant is required to construct the 350,000-gallon rainwater catchment pond. Photo documentation or a site visit from Planning Staff, documenting that there is adequate rainwater stored in the pond and onsite to support the operation will satisfy this requirement.
20. Prior to commencing operations, the applicant will submit an Invasive Species Management Plan, to the Planning Department, documenting the invasive species onsite and provide a timeline for their removal on an annual basis
21. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of

compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

22. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. Maximum noise exposure from cultivation related noise may not exceed 50 decibels measured at a distance of 100 feet from the noise source or edge of habitat, whichever is closer. If ambient noise levels, excluding cultivation related noise, exceeds 50 decibels within 100 feet of from the cultivation related noise source or edge of habitat, cultivation-related noise sources may exceed 50 decibels provided no increase over ambient noise levels would result.
2. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.
3. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. B.2. and B.3., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.

9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if

applicable.

19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
25. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

Performance Standards for Cultivation and Processing Operations

26. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:

- a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
32. If the inspector or other County official determines that the permittees or site do not comply

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

33. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
34. 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.
35. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
36. 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.

ATTACHMENT 2

**CEQA ADDENDUM TO THE
ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Environmental Impact Report (EIR)
(State Clearinghouse # 2017042022), May 2018**

APN 107-103-014; Honeydew area, on the west side of Mattole Road, approximately 1.57 miles west from the intersection of Mattole Road and Etter Road, on the property known to be in the northeast quarter of the southwest quarter of the southwest quarter of Section 2 of Township 03 South, Range 01 West, Humboldt Base & Meridian.

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

July 2022

Background

Modified Project Description and Project History - The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of new cannabis operations by establishing specific regulations for location and conditions under which the development of new commercial cannabis could occur. The EIR prepared for the CCLUO also established local land use regulations for new commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for 15,480 square feet of new mixed light commercial cannabis cultivation. Cultivation will occur in seven (7) 2,040 square foot greenhouses. Ancillary propagation will occur in one (1) 1,200 square foot greenhouse. The applicant anticipates there will be two cultivation and harvest cycles occurring annually. Water for irrigation will be provided by a proposed rainwater catchment pond.

Water for irrigation will be provided by a proposed 350,000-gallon rainwater catchment pond that is shared with the cannabis operation on the adjacent property (APN 107-103-015). The applicant anticipates 142,000 gallons of water will be required annually for irrigation. Water use on the neighboring parcel (APN 107-103-015) is estimated at 214,000 gallons annually for a total annual water use of 356,000 gallons across both parcels. The applicant submitted a memo detailing the expected water loss due to evaporation prepared by Northpoint Consulting Group dated June 21, 2022. The memo projects approximately 21% of the pond depth to be lost due to evaporation, which still leaves roughly 367,000 gallons of water available for cultivation.

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. No referral responses were received. The applicant submitted a Cultural Resource Inventory Report included in the application materials, evaluating the subject properties. The survey was positive, resulting in the location of a previously recorded artifact. No new resources were observed, and the report concluded the current and proposed cannabis operation will have no effect to any historic resources from the project.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO 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 Final Environmental Impact Report (EIR) 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 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR 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 Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; 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 Final EIR 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 Final EIR recommended mitigations. The proposal to authorize the project in compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

Technical documents utilized in conducting this review included, but are not limited to the following:

- Cultivation and Operations Plan prepared by PR Professional Services dated January 2020.
- Site Plan prepared by PR Professional Services received January, 2021.
- Biological Reconnaissance Assessment prepared by Timberland Resource Consultants dated May 2020.
- Cultural Resource Inventory Report prepared by DZC Archaeology & Cultural Resource Management dated June 2020.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

FINDINGS

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

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR 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 EIR, remain in full force and effect on the original project.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Plot Plans prepared by the agent dated February 2021 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the agent dated April 24, 2021- **Attached**)
5. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
6. 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. 2019-0001, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan (SMP) prepared by the agent-Conditioned).
7. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (**Attached**)
8. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
9. 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. (RPF report **Attached**)

10. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. 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)
12. 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)
13. 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)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
15. Biological Assessment prepared by Timberland Resource Consultants dated May 2020. (**Attached**)
16. Cultural Resource Inventory Report prepared by DZC Archaeology & Cultural Resource Management dated June 2020. (On file, confidential)
17. Aquatic Resources Delineation prepared by Timberland Resource Consultants dated May 14, 2020. (**Attached**)
18. Botanical Survey prepared by Kyle Wear, dated June 2022. (**Attached**)

VZIR, LLC

OPERATIONS PLAN

PROPOSED CANNABIS CULTIVATION FACILITIES

#16943

APN 107-103-014

42458 Mattole Road,
Honeydew, CA 95558

Prepared for:



January 2021

1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

VZIR, LLC is proposing to permit 15,480 square feet of new mixed-light cultivation and appurtenant facilities in accordance with the County of Humboldt's Ordinance No. 2599 (CCLUO). The applicant proposes to build a new facility for drying, processing, and harvest storage. Ag chem storage, and cultivation waste storage areas located on the adjacent parcel (APN 107-103-015). The proposed cultivation area does not exceed 20% of prime ag soils on the property. The applicant is proposing a lot line adjustment to meet the minimum 10-acre parcel size. Water will be sourced from a proposed rainwater catchment pond on the subject parcel (APN 107-103-014). The project site was historically used for agriculture and has been evaluated by a qualified biologist.

1.2. SITE DESCRIPTION

The project is located at 42458 Mattole Road approximately 2.3 miles west of the community of Honeydew. The subject parcel is approximately 2.57 acres in size (per County of Humboldt WebGIS), however the applicant is proposing a lot line adjustment to increase the size of the parcel to 10.38 acres. The parcel is within the County of Humboldt's Unclassified (U) zone and accompanied by a Residential Agriculture (RA 5-20) General Plan land use designation. The adjacent parcel (APNs 107-103-015) is owned by the applicant. Land uses surrounding the parcel are comprised of residential and agricultural uses.

1.3. STATE AND LOCAL COMPLIANCE

1.3.1 STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

VZIR, LLC will obtain an annual license from the DCC upon approval.

1.3.2 STATE WATER RESOURCES CONTROL BOARD

VZIR, LLC has enrolled in the SWRCB General Order as a Tier 1 Low Risk Discharger (WDID 1_12CC423174). A Site Management Plan will be submitted upon completion.

1.3.3 HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building and grading permits will be obtained from the Humboldt County Building Department for existing and proposed structures and supporting infrastructure upon approval.

1.3.4 CAL FIRE

The subject property is located within the State Responsibility Area (SRA) for fire protection. The access road, Mattole Road, meets Category 4 requirements and a road evaluation form is on file with the County of Humboldt.

The emergency vehicle turn-around area is located in front of the residence. The turn-around is less than 7% grade and is regularly maintained to prevent ruts or rills to the road surface. The turn-around area is greater than 30 feet long with over 15 feet of vertical clearance.

VZIR, LLC shall maintain the recommended 100 feet of defensible space around all structures on the property. Proposed structures meet the 30-foot SRA property line setback requirement.

1.3.5 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

There is one watercourse and one crossing on the subject parcel. A Lake and Streambed Alteration (LSA) notification has been submitted to CDFW and is on file with HCPD.

1.3.6 CULTURAL RESOURCES

VZIR, LLC has retained DZC Archaeology & Cultural Resource Management to conduct a cultural resources survey. A copy of the report is on file with HCPD.

If buried archaeological or historical resources are encountered during regular cultivation activities or construction, VZIR, LLC shall call all work in the immediate area to a temporary halt, and a qualified archaeologist will be contacted to evaluate material(s).

2. OPERATIONS MANAGEMENT

2.1. WATER SUPPLY AND WATER USE

VZIR, LLC will use approximately 142,000 gallons of water per year for irrigation. The following table outlines the estimated water usage for cultivation during a typical year. This does not take into account variables such as weather conditions or specific cannabis strains which may have slight effects on overall water usage.

Agricultural Water Use (gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	10,000	16,000	24,000	35,000	35,000	20,000	18,000	0	0

VZIR, LLC proposes to build a 350,000-gallon rainwater catchment pond to meet agricultural water needs. The pond will be shared with application #16942 located on the adjacent parcel. In an average year with 56 inches of rainfall, the pond will collect 349,090 gallons and will lose approximately 7-inches per month in the dry season (June-October), or 21% of the proposed total depth of 14-feet. Precipitation is expected to meet or exceed evapotranspiration the rest of the year.

2.2. SITE DRAINAGE, RUNOFF AND EROSION CONTROL

VZIR, LLC has developed a plan using the guidelines for best practicable treatments and controls (BPTCs) in accordance with the recommendation of SWRCB General Order. A Site Management Plan (SMP) will be submitted to SWRCB within 90 days of enrollment in the SWRCB General Order.

VZIR will utilize the following BPTCs to manage stormwater runoff:

1. Maintenance of roads, including rocking and armoring as needed.
2. Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian areas.
3. Regulated products will be safely stored with secondary containments.
4. Proper management of solid, liquid and cultivation waste.
5. Irrigation and fertilizer application will be applied at agronomic rates.

2.3. WATERSHED AND HABITAT PROTECTION

A qualified professional has been retained to evaluate the potential for threatened, rare, or endangered species near the project site. A Biological Assessment is on file with the County.

Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the SMP. Maintenance and repair strategies for site development and road improvements will utilize best practicable treatment and controls, such as outsloping of roads, installation of water bars or other appropriate measures, to maintain slope integrity. Cultivation sites will be developed in accordance with SWRCB's BPTCs for site development to ensure erosion control measures are effective to not allow discharges to streams.

2.3.1 INVASIVE SPECIES CONTROL PLAN

The cannabis cultivator shall not plant or seed noxious weeds. Prohibited plant species include those identified in the California Invasive Pest Plant Council's database, available at: www.cal-ipc.org/paf/. Locally native, non-invasive, and nonpersistent grass species may be used for temporary erosion control benefits to stabilize disturbed land and prevent exposure of disturbed land to rainfall. Straw mulch used for erosion control must be weed-free and secured to the ground, if warranted by site conditions.

To prevent transfer of invasive species, all equipment used at the cannabis cultivation site, including excavators, graders, etc., shall be cleaned before arriving and before leaving the site.

2.4. ENERGY PLAN

Electricity for cultivation is provided by PG&E. VZIR, LLC shall purchase 100% renewable energy through PG&E or Redwood Coast Energy Authority's RePower+ program. Generators shall only be used as an emergency back-up power source and shall not exceed 60 decibels at the property line or 50 decibels at tree lines and other habitat areas. See additional info on generators in Section 2.5 Noise Source Assessment and Mitigation Plan.

2.4.1 LIGHT POLLUTION CONTROL PLAN

VZIR, LLC shall shield greenhouses so that no light is visible from neighboring properties between sunset and sunrise. The light source should comply with the 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). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

2.5. NOISE SOURCE ASSESSMENT AND MITIGATION PLAN

Electricity for cultivation is supplied by PG&E. In the event of a power outage, a generator may be used temporarily as an emergency back-up. The combined decibel level for all noise sources measured at the property line shall be no more than 60 decibels. Other noise sources on the property include greenhouse exhaust fans (two fans per greenhouse structure). Potential noise sources are noted on the attached Site Plan.

Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be

evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.

2.6. USE AND STORAGE OF REGULATED PRODUCTS

VZIR, LLC shall employ BPTCs when storing, handling, mixing, applying, and disposing of all fertilizers. No pesticides or fungicides are used on cannabis cultivation. VZIR, LLC practices organic farming methods for all cultivation. The applicant proposes to use chicken manure, bat guano, and worm castings as specified in the CMM Clearances form submitted to the Humboldt County Department of Health and Human Services (DHHS). All nutrients are stored in the designated Ag Chem storage area noted on the attached Site Plan.

VZIR, LLC will follow required regulations in the storing, handling, mixing, application and disposal of any and all other regulated products. The Agent In Charge responsible for all proper applications of regulated products and will be trained in accordance with the Department of Agriculture and issued through the Humboldt County Agricultural Department. All nutrients are stored and handled as per manufacturer's recommendation.

VZIR, LLC will enroll with the Humboldt County Environmental Health Department (HCEHD) as the Certified Unified Program Agency and will comply with inventory reporting and response plan requirements.

A copy of the Operations Plan will be kept on site by the Agent in Charge and will contain all material safety data sheets (MSDS) for all regulated products used on site.

2.7. FUELS AND OILS

Propane fuel is stored in a 100-gallon tank that is properly anchored and secured. No petroleum products are stored on the property. Equipment maintenance and servicing takes place offsite.

2.8. WASTE MANAGEMENT PLAN

2.8.1 SOLID WASTE MANAGEMENT

Garbage and recycling are stored in secure containers within proposed ag exempt building. The waste storage area shall comply with BPTCs to prevent wildlife tampering and transport of waste to waters of the State. Solid waste is transported to Redway Transfer Station once a week. Recycling is transported to Redway Transfer Station once a month.

2.8.2 CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation waste such as root balls, branches, and leaves are stored in the secure waste storage area as noted on the attached site plan and transported to Redway Transfer Station as needed. Spent soil will be stored according to BPTCs in a designated stockpile area and re-used the following season. The soil stockpile area will be covered in tarps or planted with cover crop during the winter season to prevent erosion.

The soils will be analyzed by a testing facility and after consultation will be amended and reused. New soil will be imported every other year or as necessary. Any used pots or bags will be collected and stored in a storage shed for the winter season. All packaging material will be collected and disposed at Redway Transfer Station.

2.8.3 WASTEWATER MANAGEMENT

The applicant is proposing to install a new, permitted septic system to serve the processing building.

Restroom access is available for all employees at the residence which is located within 100 yards of the proposed cultivation area.

2.9. EMPLOYEE PLAN

VZIR 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.

2.9.1 JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

Agent in Charge: Oversight and management of the entire facility. Responsibilities will include but not be limited to: personnel, records keeping, budget, and liaison with State and County inspectors as needed.

Lead Cultivator: Oversight and management of the day to day cultivation of medical cannabis. This will include but not be limited to: irrigation, fertilization, pesticide management and harvest.

The applicant is *Agent in Charge* and *Lead Cultivator*. There will be up to four seasonal laborers employed. Cannabis will be processed offsite until the existing ag exempt building can be upgraded to commercial/ADA standards.

2.9.2 EMPLOYEE TRAINING AND SAFETY PRACTICES

All cultivation and harvesting activities are performed by trained employees on procedures for cultivation, harvesting, use of pruning tools, proper application and storage of pesticides and fertilizers. All staff area provided with proper hand, eye, body Personal Protective Equipment (PPE). Access to onsite cultivation and the drying and processing facilities are limited to authorized staff of VZIR, LLC. A copy of the Operations Plan will be kept on site by the Agent in Charge and will contain all material safety data sheets (MSDS), see Appendix F.

2.10. ON SITE HOUSING AND PARKING PLAN

There is no housing on the subject parcel. An existing single-family residence on the adjacent parcel (APN 107-103-015) occupied by the applicant. No new residential structures are proposed as part of this project. There are parking spots for three vehicles in the gravel driveway located near the residence. An ADA-compliant parking spot is proposed near the processing building on the subject parcel.

2.11. SECURITY PLAN

There is a locked gate at the entrance to the parcel. A *No Trespassing* sign is proposed near the gate. Motion sensor lighting outside of the cultivation facility will be installed to illuminate the cultivation and processing area as well as the entrance to the site. Additional measures being considered by VZIR are the installation of security cameras at the entrance to the site, residence, and processing facility with data storage for up to thirty (30) days with an alarm system for the cultivation facility and residence.

3. CULTIVATION PLAN

3.1. PROPAGATION

For the first season, juvenile plants purchased from a commercial nursery and placed in the propagation area in the proposed ag exempt building. The applicant will choose a number of mother plants based on genetic desirability and cut clones for following seasons. Cuttings are sampled from the mother plants and are rooted into a growing medium, to produce 'clones.' Once fully rooted they are transplanted directly into 4" gallon containers. The juvenile plants are irrigated using hand watering methods. After 10 days the clones are then transplanted into beds with a soil medium and moved into a mixed light cultivation greenhouse where they continue their 'vegetative' cycle. After all clones have been transferred out of the nursery, the nursery greenhouse will be replanted with mixed-light cultivation.

3.1 CULTIVATION PLAN AND SCHEDULE

Mixed Light Cultivation

The applicant is proposing 15,480 square feet of new mixed-light cultivation. The proposed cultivation will be located in an existing agricultural field. Proposed cultivation area is outside of the riparian setback and has been evaluated by a qualified biologist.

Cultivation will take place in seven 34' x 60' greenhouses, and one 20' x 60' greenhouse constructed of polyvinyl tarping and PVC tubing. The 20' x 60' greenhouse will be used as a nursery early in the season and replanted with cultivation. Mixed-light cultivation will use light deprivation tarps and Gavita grow lights to provide supplemental artificial lighting within the greenhouse structure. When artificial lighting is in use, greenhouses will be shielded with black out tarp.

Power will be sourced from 100% renewable energy through PG&E or RCEA's RePower+ program. The monthly cultivation schedule in Appendix E details the proposed cultivation activities associated with the operation for two cycles per year. The applicant agrees to comply with the Performance Standards for Mixed-Light Cultivation set forth in section 55.44.1 in Ordinance 2559.

3.2 IRRIGATION PLAN AND SCHEDULE

Irrigation will occur via hand watering methods. VZIR, LLC maintains that the amount of irrigation needed is better controlled via hand watering and allows for a more tailored irrigation plan and better plant inspection and nutrient application.

3.3 HARVESTING, DRYING AND TRIMMING

Once the *Lead Cultivator* has determined the plants are at their peak, harvest procedures will be initiated. This entails removing the flowering branches from the plant and suspending them in the drying shed with ventilation supplied by oscillating fans. The drying process takes approximately one week. Dried flowers are then 'bucked' off the stalks and into manageable sizes for onsite processing via trim machine.

The finished product is stored in the processing room before being transported to a licensed distribution facility. The waste product or 'trim', is collected and placed into bins to be weighed and labeled. The trim will also be transported off-site and to a licensed manufacturing facility.

3.4 PROCESSING

Trimming will take place in a licensed off-site facility until the proposed commercial/ADA processing building is constructed. Once approved, trimming will be completed by a trim machine operated by VZIR's *Lead Cultivator*. The trimmed material will be placed into sterilized locking lid bins. These bins will be weighed, labeled, logged and sealed. Great care will be taken to ensure that the original numbered corresponding plant tag remains affixed to each bin. The *Agent in Charge* will then deliver the sealed and logged bins to the designated secured area within the processing area.

The waste product from the machines or "trim" will be collected and placed into sterilized locking lid bins. These bins will then be weighed, labeled and sealed for transport and delivery to an offsite, contracted, licensed Facility. All weights will be recorded in the master log. Once securely in the Processed Material Holding Facility, the *Agent in Charge/Lead Cultivator* will begin to weigh, vacuum seal and label individual one-pound packages for distribution. After weighing, labeling and packaging each unit will be placed inside of a lock box or safe inside the designated secured area in the processing facility.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING

Samples will be selected from harvested cannabis strains to be tested by a licensed third-party lab and in accordance with state and local regulations. The finished product is labeled with the VZIR, LLC logo and will include tracking Identification provided by CDFA's Track and Trace (METRC) program.

4.2. PRODUCT INVENTORY AND TRACKING

Inventory of all plants shall be performed by the Agent in Charge/Lead Cultivator. All medical cannabis will be tracked from clone to packaged product and accounted for and inventoried. Records will be 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

- Weight of flowers, by product, and trim waste
- Weight of trimmed buds
- Staff identification
- Product ID numbers and product weight
- Physical location of plant material at all times

Reporting

The Master Log will contain reports on the harvest process, providing total weight harvested and trimmed at each weigh point, and compares that to final weight post-trim, including waste. Discrepancies are traced to the source, documented, and reported to the Agent in Charge. After investigation, any appropriate corrective measures are taken. All cultivation and harvest records are retained for a minimum of five (5) years.

4.3. TRANSPORTATION AND DISTRIBUTION PLAN

Transportation will be handled via a third party, contracted, licensed transporter/distributor in accordance with MMRSA. All merchantable product will only 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. This distribution document is required for each movement of packages and will be recorded in the Master Log.

The *Agent in Charge* is responsible for performing a physical inventory of all package being transported, ensuring that the physical inventory reconciles with the transport manifest, as well as the packaging material is intact and the labeling is secure. The distribution document records the current location and status of the packages, such as "in-transit" or "received." The licensed distributor must also create detailed transport manifests for the package distribution. The manifest contains details such as:

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

5. RESOURCES

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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California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.
<<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.

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.

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007. <<http://www.boe.ca.gov/news/pdf/173.pdf>>

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use.
August 2008.
<http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>

Personnel Acknowledgement Form

It is the intention of VZIR, LLC to create an enjoyable, safe and sane workplace. We feel that understanding and compliance with our Operations Manual will create just that. It is the responsibility of each employee to read and understand the procedures outlined herein. If after reading and reviewing this entire document, you have any questions please see the Agent in Charge immediately for clarification. By signing this document below, it confirms your reading, understanding and adherence to the entire **VZIR, LLC, OPERATIONS MANUAL FOR MEDICAL CANNABIS CULTIVATION.**

Employee sign and date

Agent in Charge sign and date

VZIRLLC
Pesticide Storage, Handling and Application Plan

All pesticides, disinfectants, fungicides and agricultural chemical products used by the VZIR will maintain strict compliance with standards imposed by the Humboldt County Agricultural department and State of California Department of Agriculture Department and US Environmental Protection Agency. The Agent will maintain a current Private Applicators License with the Humboldt County Agricultural Department. This license will be posted and a copy will be entered into the Manager's Handbook and available for view by any regulatory agency deemed appropriate by Humboldt County or State of California.

Storage

All pesticides, disinfectants, fungicides and agricultural chemicals will be secured in an appropriate locked and labeled housing and accessed only by those employees that have been trained under the guidelines of *State of California Agricultural Department Personal Pesticide Application License* guidelines in handling, application and disposal of each product. Entry into the locked facility will be logged by the Lead Cultivator. This log will include: The name of employee removing the material, the date and time of day and the amount and type of pesticide removed.

Any over-the-counter pesticide products may be applied by either the *Agent* or trained personnel in accordance with State of California Agricultural Department's Private Applicators License criteria. Training of employees will be in accordance with *State of California Private Applicators License* criteria. These products will be limited to safe chemicals recognized by the Humboldt County Department of Agriculture, the California Department of Agriculture and the Federal EPA. Copies of all MSDSs and labels will be clearly identified and maintained onsite at all times in the Lead Cultivators Handbook. VZIR will make available to its employees saline eye wash stations where ever pesticides are stored.

Handling

The handling of pesticides/fungicide will be done in accordance with *State of California Agricultural Department Personal Pesticide Application License* guidelines. Handling will include, transportation from retail outlet to cultivation site, logging and entering into secured, labeled storage, mixing, preparation, transport to application locations on site, application and disposal. These activities will be logged into the Master Log immediately by the *Lead Cultivator*. By having a strictly monitored Pesticide Management plan in place, VZIR will strive for a "ZERO SPILL POLICY". In the event of a spill, VZIR will maintain on site an Emergency Containment and Clean Up

policy in accordance with *State of California Agricultural Department Personal Pesticide Application License* guidelines.

VZIR will also maintain on site in a clearly marked and accessible secure location any materials deemed necessary for clean up or spill containment and abatement. VZIR will maintain a well-marked and easily accessible plan for accidental personnel exposure as well as proper applicators training as set forth by *State of California Agricultural Department Personal Pesticide Application License* guidelines in the event of such accidental exposure. Any spills or accidental personnel exposure will be reported to the appropriate agencies as deemed necessary by *State of California Agricultural Department Personal Pesticide Application License* guidelines. These incidents will also be documented into the Master Log by the Lead Cultivator.

Application

All application will be done in accordance with *State of California Agricultural Department Personal Pesticide Application License* guidelines. A copy of all applications will be manually entered into the Master Log. Proper eye, face and body protective wear as well as approved respirators shall be provided by VZIR and worn and available at all times during application of all pesticides/fungicides. A preventive application program per manufactures directions and label requirements will be established from the onset of the plants initial transplant. Application frequency will vary with each phase of growth or infestation pressure. This will help to ensure the least amount of pesticide/fungicide will be needed. Application will end no less than thirty days before harvest or by manufactures able requirements, whichever is longer.

During application factors such as wind, temperature and humidity will be taken into account. This will ensure that the pesticide/fungicide is used in the most efficient manner and will mitigate drift. Pesticides will be applied using a variety of methods including atomizer, back pack sprayer and air less sprayer. Nozzle types and pressure settings will be determined by manufacture directions. Anywhere pesticide is applied VZIR will provide a saline eye wash station in case of accidental exposure.

Disposal

Any mixed solutions will be used to their entirety. In the event there is a surplus of used mixed solution, it will be disposed of according to guidelines set forth by *State of California Agricultural Department Personal Pesticide Application License* procedures. After the applicator has finished application, the protective wear shall be discarded and disposed according to *State of California Agricultural Department Private Applicators License* guidelines. All bottles, containers or receptacles that have come into contact with, or contained, any product that falls under the state's guidelines for pesticides, disinfectants, fungicides and agricultural chemicals shall be

washed, rinsed and or disposed of according to strict EPA and *State of California Agricultural Department Private Applicators License* guidelines. Proper training of employees in rinsing, washing and disposal shall be overseen by the Licensed Lead Cultivator on premise. All washing, rinsing or disposal of any product packaging, applicator or protective clothing will be logged into the Master Log.

VZIR, LLC

The first priority in the event of an emergency is for the safety of all people present. Move quickly out of area danger. Meet at assigned meeting place to get a headcount. Enact Emergency Procedures.

Emergency Phone Numbers

Dial 911 for Fire/Police/Ambulance:

- 1. Tell the operator which emergency service you want**
- 2. Wait until the service answers**
- 3. Give the following address:**

**42458 Mattole Road
Honeydew, CA**

- 4. Do not hang up until told to do so by the 911 Operator**

Other Emergency Contacts

Humboldt County Sheriff: 707-445-7251

Honeydew Volunteer Fire Dept: (707) 629-3445

Humboldt County HazMat: 707-445-6215

Humboldt County Ag Dept.: 707-441-5260

Fire and Emergency Procedures Checklist

You must know and understand what to do if a fire occurs. Your first concern is the immediate safety of visitors and staff; secondly, the need to call emergency services and then to contain the fire but only if it is safe to do so. If help is available, allocate responsibilities to others to create a competent fire fighting team.

- Evacuate people from the area
- If it is safe to do so, switch off power to all equipment
- Call the fire department (dial 911)
- If a small fire, use your fire extinguisher if it is safe to do so – try to contain and extinguish the fire
- If the fire is near a fuel tank, do not attempt to extinguish the fire – retreat to a safe distance
- Be prepared to direct the fire service to the scene

Spill Procedures Checklist

You must know and understand what to do if a spill occurs. Your first consideration is the immediate safety of visitors and staff; secondly, the need to call emergency services and then contain the spill if it is safe to do so. If help is available allocate responsibilities to others to create a competent team to deal with the spill.

- If the spill is from the hose or tap, shut the isolation valve
- Warn people in area of the spill – evacuate if necessary
- Remove sources of ignition if flammable substance present
- Evaluate the spill – only respond if you believe it is safe to do so
- Refer to the safety data sheet or call on an approved handler or other specialists for advice
- If necessary, call emergency services and advise local authority
- Put on safety equipment (e.g. overalls, boots, gloves, eye protection, etc.)
- Contain the spill if it is safe to do so – utilize a drip tray or oversize container or spill kit to soak up the substance

- Dispose of waste safely as set out in the material safety data sheet

Incident Reporting

Every accident resulting in injury or damage to farm property must be reported to your manager immediately.

Respond to the accident promptly and positively

Collect relevant information about the accident

Develop and take remedial actions

Complete insurance claims and reports required

First Aid

- A first aid kit must be kept on the premises and maintained
- All staff must know basic first aid procedures

Minor Injury Accidents

- Minor cuts and abrasions must be attended to immediately
- If in doubt contact a physician or call 911

Serious Injury Accidents

- Call an ambulance immediately (dial 911)
- Seek the assistance of any first responder
- Stabilize Victim
- Advise your manager

Property Damage

- All damage to farm property must be reported to your manager

Emergency First Aid-Procedures

Control of Bleeding

1. Direct pressure – use your hand(s).
2. Elevate (raise) the limb
3. Apply a pad and firm bandage.
4. If necessary use clean rags or clothing.

Remember!!

- *Always check circulation below the bandage!*
- *If there is tingling, numbness or blueness loosen the bandage.*

Management of Burns

1. Cool the burnt area with cool water for 10-15 minutes
2. If necessary, cover the burn with a clean dressing or plastic wrap before removing person to medical aid.

Remember!!

- *Do not burst blisters.*
- *Do not remove clothing that is stuck.*
- *Do not apply creams*

Management of Eye Injuries

Foreign bodies in the eye(s)

1. Wash the eye(s) with eyewash or clean water.
2. If the foreign body is stuck to the eye DO NOT attempt remove.
3. Place covering over the eye and obtain medical attention.

Management of Chemicals in Eye(s)

1. Wash the eye(s) with clean cool water for at least 15 minutes.
2. Wash from near the nose outward.
3. Always wash under the upper eyelid.
4. Obtain medical attention

Breathing

If a person is breathing but unconscious turn them on their side to prevent tongue swelling or vomit from obstructing airway.

If person is not breathing

- **Check airway for blockage and clear**
- **Call 911**
- **Administer CPR**

Location of Firefighting Equipment, Spill and First Aid Kits

A fire extinguisher is located in the following places:

- **All Cold Frames**
- **Nutrient and Fertilizer Storage**
- **Drying and Processing Facility**

A first aid kit is located in the following places:

- **Cultivation Site**
- **Drying and Processing Facility**

A spill kit is located in the following places:

- **Cultivation Site**
- **Processing Facility**

MEMORANDUM

FROM: Wyeth Wunderlich, M.S. Geology
Environmental Scientist II
NorthPoint Consulting Group

TO: Humboldt County Planning Department

RE: VZIR Proposed Pond Evaporation Estimate

DATE: June 21, 2022

INTRODUCTION

To estimate evaporative losses from the proposed pond, we used the United States Forest Service (USFS) Remote Automated Weather Stations (RAWS) published Penman Evapotranspiration (ET) estimates from the Cooskie, Mountain Station, located approximately 6 miles from the proposed project site.

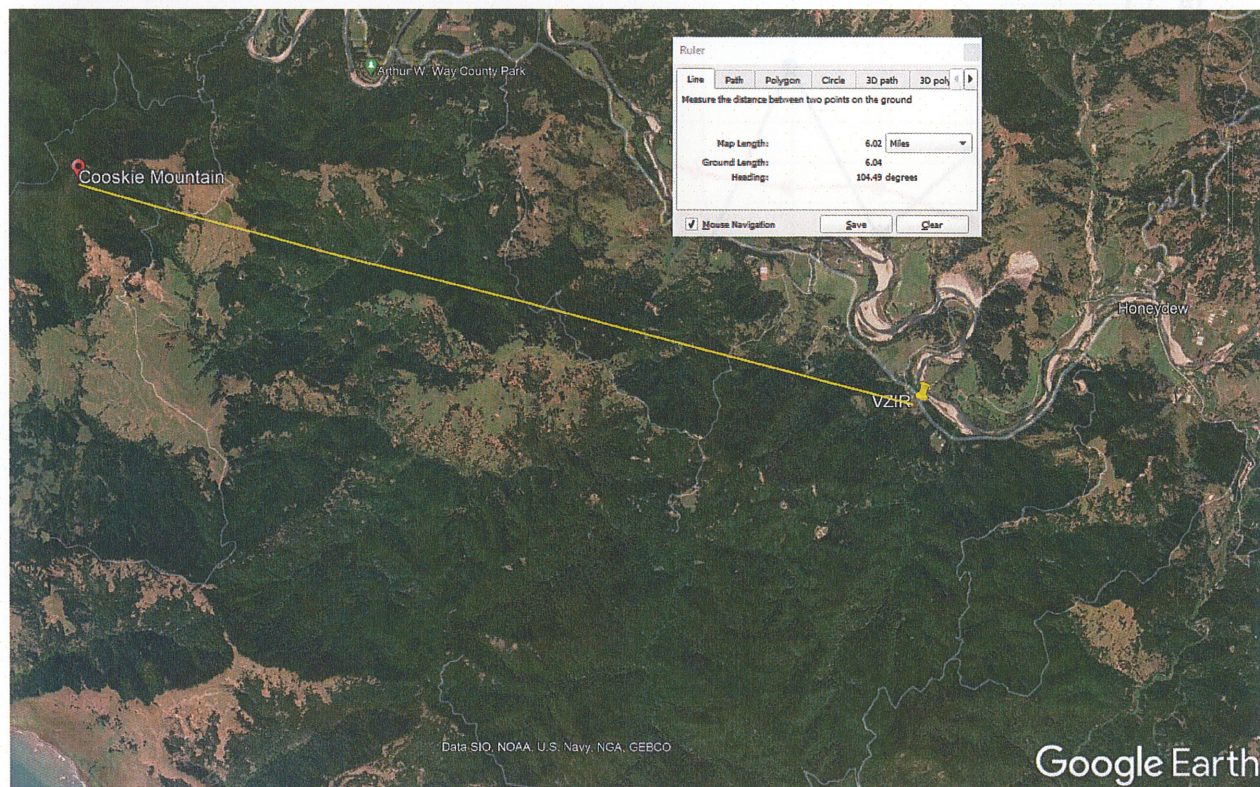


Figure 1: Google Earth image of the distance from VZIR to Cooskie Mountain, where the reference USFS RAWS station is located.

The RAWS network stations measure the following parameters: Temperature, Relative Humidity, Wind speed, Wind direction, Solar radiation, Precipitation, Fuel moisture, and other parameters, as necessary ([How Does RAWS Work \(fs.fed.us\)](https://www.fs.fed.us/raaws/)). Penman ET is a well-established method that uses environmental variables to estimate atmospheric demand for moisture, sometimes referred to as ‘potential evapotranspiration’ (PET). In the case of evaporation estimates for the proposed VZIR pond, we made the conservative assumption that Actual Evapotranspiration (AET) is equal to PET, such that there is minimal regulation to PET, and thus the pond is evaporating the maximum quantity possible - reported as a monthly summary of water depth.

RESULTS

The proposed VZIR pond would be 14-feet deep from the pond bottom to the maximum pond water level, when full. According to the USFS RAWS Cooskie Mountain Penman ET monthly estimates for 2020, precipitation exceeded monthly ET for the months of January, March, May, November, and December, and ET exceeded precipitation for the months of February, April, June, July, August, September, and October (Figure 2). For this assessment, we report the average Penman ET for the months of June – October.

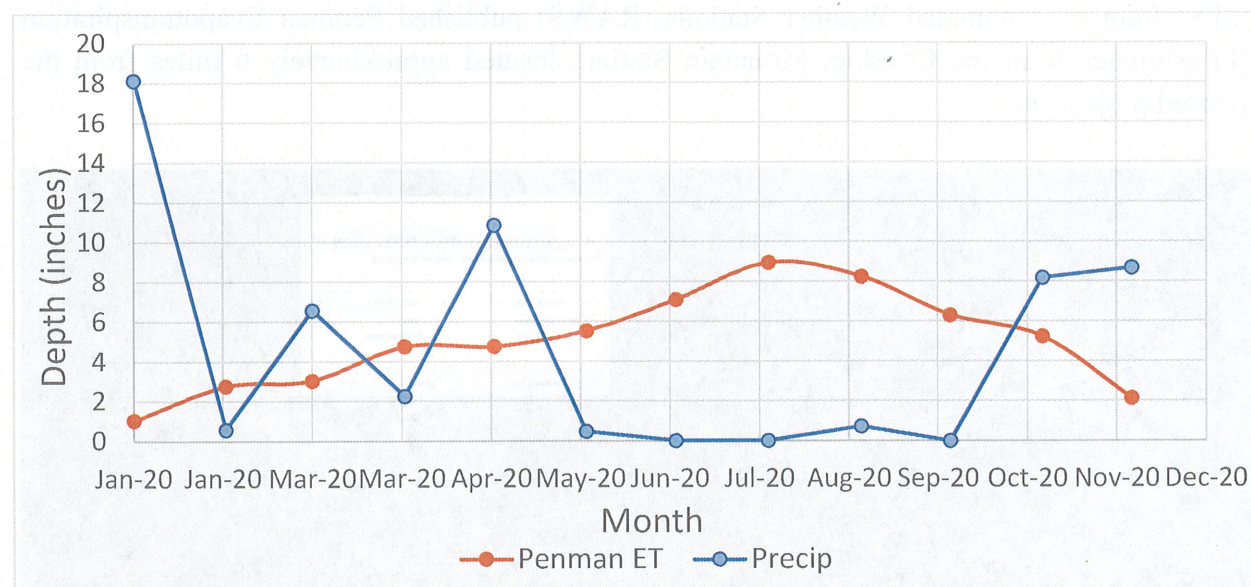


Figure 2: Monthly precipitation and Penman ET estimates, as measured at the Cooskie Mountain RAWS station.

The average PET over the course of the 2020 dry season (June through October), as estimated by the USFS Cooskie Mountain RAWS station, was 7.0-inches per month. In most other months, precipitation exceeded or was comparable to PET.



June 21, 2022

SUMMARY CONCLUSION

According to analysis from published Penman ET data collected at the USFS Cooskie Mountain RAWS, the proposed pond would evaporate a maximum of 7-inches per month over the course of the dry season, from June through October. This represents 21% of the proposed pond's total depth of 14-feet and is well-aligned with regional evapotranspiration estimates for the Honeydew-Petrolia area of Southern Humboldt County.



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

STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2020-0049-R1
Unnamed Tributary to the Mattole River

Valentin Valkov
Valkov Water Diversion and Stream Crossings Project
4 Encroachments

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Valentin Valkov (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on February 3, 2020, 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 accepts 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 Mattole River watershed, approximately 2 miles east of the town of Honeydew, County of Humboldt, State of California. The project is located in Section 2, T3S, R1W, Humboldt Base and Meridian; in the Shubric U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number's 107-103-014 and 107-103-015.

PROJECT DESCRIPTION

This Agreement relies on the Notification materials and a desk review without a CDFW site inspection.

The project is limited to 4 encroachments (Table 1). One encroachment is for water diversion from an unnamed tributary to the Mattole River. Water is diverted for domestic

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use. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The 3 other proposed encroachments are to upgrade or decommission failing and undersized stream crossings. Work for these encroachments will include excavation, removal of the failing crossings, replacement with new properly sized crossings, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.2314, -124.1561	Point of Diversion (POD) diverts water from a stream for domestic use only.
Crossing-1	40.2321, -124.1547	Replace failing 18" diameter culvert with minimum 42" diameter culvert crossing
Crossing-2	40.2317, -124.1552	Decommission existing failing 42" diameter culvert crossing
Crossing-3	40.2328, -124.1561	Replace wet ford with minimum 30" diameter culvert crossing

The Notification states that water for commercial irrigation will be sourced from an onsite well that has not been drilled yet. Depending on the location of the well drilling project and the characteristics of the completed well, notification may be required for drilling and/or diversion.

No other projects that may be subject to FGC section 1602 were disclosed. This Agreement does not retroactively permit any constructed reservoirs (including "ponds"), stream crossings, water diversions, modifications to riparian buffers (as required by other entities), or other encroachments not described in Table 1.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include **Chinook Salmon** (*Oncorhynchus tshawytscha*), **Coho Salmon** (*O. kisutch*), **Steelhead Trout** (*O. mykiss*), **Western Brook Lamprey** (*Lampetra richardsoni*), **Pacific Lamprey** (*Entosphenus tridentatus*), **Southern Torrent Salamander** (*Rhyacotriton variegatus*), **Pacific Giant Salamander** (*Dicamptodon tenebrosus*), **Foothill Yellow-legged Frog** (*Rana boylei*), **Coastal Tailed Frog** (*Ascaphus truei*), **Western Pond Turtle** (*Actinemys marmorata 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 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.
- 1.4 Project Site Entry. The Permittee agrees to allow CDFW employees access to the site 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 law enforcement personnel.

1.5 Applicable Permits. Land development or alterations may be subject to additional federal, state and local laws, regulations, and permitting requirements, including but not limited to the following:

- The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the Permittee shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction.
- The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
- If cannabis cultivation occurs on the project parcel, the State Water Resources Control Board (SWRCB) requires enrollment in the Cannabis Cultivation General Order and compliance with the Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation, available at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_policy.html
- All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for grading, construction, and building.
- All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.

1.6 Water Rights. This agreement does not constitute a valid water right. 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. Water rights are administered by the State Water Resources Control Board as described here:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/.

1.7 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 bypass flows, diversion rates or other measures 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.

- 1.8 Notification Materials. Permittee's Notification of Lake or Streambed Alteration, together with all maps, plans, photographs, drawings, and all other supporting documents submitted with the Notification and received on February 3, 2020 is hereby incorporated by reference into this Agreement. Permittee shall conduct project activities within the work areas, and using the protective measures, described in the Notification and supporting documents, unless such project activities, work areas or protective measures are modified by the provisions of this Agreement, in which case the activities shall be conducted as described in this Agreement.

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.

Work Periods and Pre-project Notice

- 2.1 Work Period. All work, not including authorized diversion of water, shall be confined to the period June 15 through October 15 of each year. Work within the active channel of a stream shall be restricted to periods of dry weather. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.2 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW in writing within the 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW in writing no later than seven (7) days after the project is fully completed.
Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions as required below.
- 2.3 Work Period Modification. If Permittee needs more time to complete the project activity, the work may be permitted outside of the work period and extended on a day-to-day basis by the CDFW representative who reviewed the project, or if unavailable, by emailing nicholas.simpson@wildlife.ca.gov. Requests shall be made in writing via email or letter. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. The work period variance request should consider the effects of increased stream flows, rain delays, increased erosion control measures, limited access due to saturated soil conditions, and limited

growth of erosion control grasses due to cool weather. Work period variances are issued at the discretion of CDFW. CDFW will review the written request to work outside of the established work period. CDFW reserves the right to require additional measures to protect fish and wildlife resources as a condition for granting the variance. CDFW shall have ten (10) calendar days to review the proposed work period variance.

General Species Protection Measures

- 2.4 **No Equipment in Stream.** No heavy equipment shall be operated within the wetted channel when water is present and flowing. The Permittee shall notify CDFW if it determines that the use of equipment in the stream channel is required to complete a project and will submit a diversion plan.
- 2.5 **Fish and Aquatic Species.** If surface water is or becomes present during construction, the Permittee shall: a) have the Designated Biologist survey the site and adjacent area for fish, amphibians, and turtles three (3) days or less before commencing project activities and b) if fish, amphibians, or turtles are detected, CDFW will be contacted and work shall not commence until authorized by a CDFW representative.
- 2.6 **Maintain Passing of Fish Up and Down Stream.** It is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish (as defined in FGC Section 45 "fish" means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals) up and down stream pursuant to FGC section 5901
- 2.7 **Decontamination.** The Permittee is responsible for ensuring all project personnel adhere to the latest version of the Northern Region California Department of Fish and Wildlife Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water. Heavy equipment and other motorized or mechanized equipment that comes in contact with water should generally follow watercraft decontamination protocols found in the AIS Decontamination Protocol.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=92821&inline>
- 2.8 **Staging and Storage.** Staging and storage areas for equipment, materials, fuels, lubricants and solvents shall be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located adjacent to the stream, shall be positioned over drip-pans. Any equipment or vehicles driven and/or operated in proximity to the stream must be checked and maintained daily. Vehicles must be moved away from the stream prior to refueling and lubrication.
- 2.9 **Allow Wildlife to Leave Unharmd.** Permittee shall allow any wildlife encountered during the course of construction to leave the construction area unharmd. This

Agreement does not allow for the trapping, capture, or relocation of any state or federally listed species.

- 2.10 Prohibition Against Use of Plastic Netting in Erosion Control Measures. Permittee shall not use temporary or permanent erosions control devices containing plastic netting, including photo- or bio-degradable plastic netting. Erosion control and landscaping specifications shall only allow only natural fiber for use in erosion control mats, blankets, and straw or fiber wattles.
- 2.11 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the stream upon completion of project activities.

Designated Biologist

- 2.12 Designated Biologist. At least thirty (30) days before initiating project activities requiring biological surveys, the Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information for a Designated Biologist. Permittee shall obtain CDFW's written approval of the Designated Biologist prior to the commencement of project activities. The Designated Biologist shall be knowledgeable and experienced in the biology and natural history of local fish and wildlife resources present at the project site. In addition to these requirements, only Designated Biologists with a valid Scientific Collection Permit issued pursuant to FGC sections 1002 and 1002.5 will be approved and authorized to capture, handle, and relocate any species of fish and wildlife. The Designated Biologist shall be responsible for monitoring all project activities, avoidance measures, including any ground-disturbing activities in areas subject to this Agreement.
- 2.13 Designated Biologist Authority. To ensure compliance with the measures within this Agreement, the Designated Biologist shall have authority to immediately stop any activity that is not in compliance with this Agreement, and/or to order any reasonable measure to avoid the unauthorized take of Special Status Species. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with the Measures within this Agreement, including cease-work orders issued by the CDFW.

Special Status Species Avoidance and Minimization

- 2.14 Prohibition on Take of Listed Species. This agreement does not authorize the take or incidental take of any State or Federal listed threatened or endangered listed species. State Listed or Fully Protected Species include any native plant species listed as rare under the Native Plant Protection Act (Fish & G. Code, § 1900 et seq.; Cal. Code Regs., tit. 14, § 670.2); any species that is listed or is a candidate for listing under the California Endangered Species Act (Fish & G. Code, § 2080 et

seq.; Cal. Code Regs., tit. 14, §§ 670.2, 670.5); or any fully protected species (Fish & G. Code, §§ 3511, 4700, 5050, 5515). The Permittee is required, as prescribed in these laws, to consult with the appropriate agency prior to commencement of the project.

2.15 Avoidance of Nesting Birds. Permittee shall avoid nests occurring within and near the project site pursuant to the Migratory Bird Treaty Act of 1918 and Fish and Game Code section 3503.

2.16 Nesting Bird Survey Before Commencement. If vegetation removal or other project-related improvements that could impact nesting birds are scheduled during the nesting season (typically **March 1 to August 15**), a focused survey for active bird nests shall be conducted by a Designated Biologist within seven (7) days prior to the beginning to project-related activities. Surveys shall begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The results of the survey shall be submitted to CDFW by email prior within three (3) business days of survey completion. Survey results shall include a description of the area surveyed, time and date of surveys, ambient conditions, species observed, active nests observed, evidence of breeding behaviors (e.g., courtship, carrying nesting material or food, etc), and a description of any outstanding conditions that may have impacted survey results (e.g. weather conditions, excess noise, predators present, etc.) If an active nest is found, the Permittee shall immediately consult with CDFW and the United States Fish & Wildlife Service (FWS) regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and the Fish & Game Code of California, section 3503. If a lapse in project-related work of seven (7) days or longer occurs, another focused survey and if required, consultation with CDFW and FWS, will be required before project work can be reinitiated.

2.17 Special-Status Plants. If Special-Status plants (State listed and CNPS 1B.1 and 1B.2) may occur on the project site, the Designated Biologist shall conduct annual, focused surveys on the Project site during the bloom periods and before the implementation of Project-related activities. If populations of any of these species are found:

2.17.1 Fencing shall be installed a minimum of 100 feet from the location of special-status plants, and no Project activity will be permitted in the area occupied by special-status plants or the 100-foot buffer area around these plants.

2.17.2 If special-status plant populations are found on the Project site and it is not feasible to avoid them during Project-related activities, the Project applicant shall consult with CDFW to determine if the project may be covered under this Agreement. Separate notification pursuant to FGC 1602 may be required in some instances.

Dewatering and Sediment Control

- 2.18 Dewatering and Sediment Control Plan. If flowing water is present or reasonably anticipated, the Permittee shall submit for approval a detailed dewatering or sediment control plan to CDFW for review and approval. Dewatering and sediment control structures may include the use of a sandbag coffer dam or a water bladder dam. Within 15 days of receiving the dewatering plan, CDFW will review the proposed dewatering method, to approve the Plan or provide the requirements for that approval. Dewatering shall be conducted under the guidance of the Designated Biologist who shall have stop work authority over dewatering activities. The Permittee may not commence the dewatering of the stream without the explicit approval from CDFW. At minimum, diversion/dewatering plans shall include the following species protections:
- 2.18.1 Screen According to Existing Standards. In order to prevent impingement, the inlets of the dewatering pump structure shall be fitted with fish screens meeting the "fry-size" criteria of CDFW and the National Marine Fisheries Service (NMFS) before water is pumped from within the coffer dams.
 - 2.18.2 Maintain Aquatic Life. When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
 - 2.18.3 Maintain Water Quality. Permittee shall divert flow in a manner that prevents turbidity, siltation, or pollution and provides flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion.
 - 2.18.4 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

Vegetation Management

- 2.19 Riparian Buffers. Riparian buffers shall be not be modified, unless authorized by CDFW in writing.
- 2.20 Minimum Vegetation Removal. No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.21 Vegetation Maintenance. Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of Authorized Activity to

the use of hand tools. Vegetation management shall not include treatment with herbicides.

- 2.22 Invasive Plant Species. Permittee shall not plant, seed or otherwise introduce invasive plant species within the Project area. Invasive plant species include those identified in the California Invasive Plant Council's inventory database, which is accessible at: <https://www.cal-ipc.org/plants/inventory/>.

Water Diversion

- 2.23 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.24 Bypass Flow. The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the POD.
- 2.25 Seasonal Diversion Minimization. No more than **200 gallons in any one day** shall be diverted (intended for household domestic use) during the low flow season from **May 15 to October 31** of each year. Water shall be diverted only if the Permittee can adhere to the maximum diversion rate and bypass flow conditions of this Agreement.
- 2.26 Measurement of Diverted Flow. Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.26.1 A log including the date, time and quantity of water diverted from the POD.
 - 2.26.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
 - 2.26.3 Permittee shall make available for review at the request of CDFW the diversion records required by the SWRCB Cannabis Cultivation Policy.

Water Diversion Infrastructure

- 2.27 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.

- 2.28 Intake Structure Placement. Infrastructure installed in the streambed (e.g. spring box) shall not exceed 10% of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.29 Intake Screening. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.29.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet.
- 2.29.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.29.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted and should have a minimum of 27% open area. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.29.4 The screen shall be designed to distribute the flow uniformly over the entire screen area.
- 2.30 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.31 Intake Maintenance. Intakes shall be kept in good repair. Intakes shall be inspected periodically and kept clean and free of accumulated algae, leaves or other debris, which could block portions of the screen surface and increase approach velocities at any point on the screen. No part of screen surfaces shall be obstructed.
- 2.32 Exclusionary Devices. Permittee shall keep the diversion-related structures covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.33 Diversion Intake Removal. Permittee shall plug, cap, block (e.g., with a shut-off valve located near the source), or remove all intakes when no water diversion is planned for a period of one week or longer.
- 2.34 Heavy Equipment Use. No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use

hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

Diversion to Storage

- 2.35 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks), except those specifically authorized by CDFW and included as encroachments in a current Agreement, shall be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the POD when WSFs are filled to capacity.
- 2.36 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.37 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.38 Limitations on Impoundment and Use of Diverted Water. The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.

Stream Crossings

- 2.39 Road Approaches. The Permittee shall treat road approaches to new or re-constructed permanent crossings to minimize erosion and sediment delivery to the watercourse. Permittee shall ensure road approaches are hydrologically disconnected to the maximum extent feasible to prevent sediment from entering the crossing site, including when a Stream Crossing is being constructed or reconstructed. Road approaches shall be armored from the crossing for a minimum of *50 feet in both directions*, or to the nearest effective water bar or point where road drainage does not drain to the crossing, with durable, clean, screened, angular rock.
- 2.40 Excavated Fill. Excavated fill material shall be placed in upland locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

- 2.41 No Equipment in Wetted Areas. No heavy equipment shall enter the wetted stream channel.
- 2.42 Fill Materials. No fill material, other than clean rock, shall be placed in the stream channel.
- 2.43 Material Sizing. Rock shall be sized to withstand washout from high stream flows and extend above the ordinary high-water level.
- 2.44 Crossing Maintenance. The Permittee shall provide site maintenance for the life of the structures, including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable. Permanent culverts shall be maintained and kept open year-round. The Permittee is responsible for such maintenance as long as the culvert remains in the stream.
- 2.45 Armoring. The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow.
- 2.46 Arming Placement. 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.

Culvert Installation

- 2.47 Permanent Culvert Sizing. Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.
- 2.48 Critical Dips. Where diversion potential exists, a critical dip shall be installed to direct flood flow over the crossing fill and back into the channel. Critical dips shall be constructed to accommodate the entire estimated 100-year flood flow and may be installed by lowering the existing fill over the crossing or by constructing a deep, broad rolling dip over the crossing surface to prevent flood flow from diverting down the road.
- 2.49 Culvert Materials in High Fire Zones. If the project is located in a high to very high Fire Hazard Severity Zone as designated by CAL FIRE, CDFW recommends culvert materials consist of corrugated metal pipe. Use of High-Density Polyethylene pipe is discouraged. <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>
- 2.50 Fill Material. 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.

- 2.51 Culvert Grade. Culvert shall be installed to grade (not perched or suspended), 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). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.
- 2.52 Culvert Bed. 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. No geotextile fabric shall be placed in the culvert bed, streambed, bank or channel.
- 2.53 Culvert Armoring. 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.

Deconstruction and Abandonment

- 2.54 When stream crossings and fills are removed, all fill shall be excavated down to the original stream channel and outwards, horizontally, as wide as or wider than the natural channel to form a channel as close as feasible to the natural stream grade and alignment. The restored stream bank slopes shall be no steeper than a 2:1 slope (horizontal: vertical) or natural slope. Restored slopes shall be stabilized to prevent slumping and to minimize soil erosion that could lead to sediment deposition into Waters of the State.
- 2.55 Sites previously not fully excavated shall be completely excavated when crossings are deconstructed. Adjacent potentially unstable road or landing fill that can enter a stream shall also be excavated when crossings are deconstructed.
- 2.56 All excavated fill shall be placed in stable areas where it cannot enter or erode into a stream.

Erosion and Sediment Control

- 2.57 Erosion Control. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from exposed slopes threatens to enter waters of the State. Erosion control measures, such as, silt fences, straw hay bales,

gravel or rock lined ditches, water check bars, and broadcasted straw shall be used where ever sediment has the potential to leave the work site and enter the stream.

- 2.58 Silt Laden Runoff. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed.
- 2.59 Disposal and Removal of Material. All removed spoils and construction debris shall be moved outside the work area prior to inundation by water. Spoil sites shall not be located within the stream channel or areas that may be subjected to stream flows, where spoil may be washed back into a stream, or where it may impact streambed habitat, aquatic or riparian vegetation. All removed material shall be disposed of according to State and local laws and ordinances.

Equipment and Vehicles

- 2.60 Operating Equipment and Vehicle Leaks. Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat.
- 2.61 Stationary Equipment Leaks. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.
- 2.62 Equipment Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel and banks.
- 2.63 Stockpiled Materials. Building materials and/or construction equipment shall not be stockpiled or stored where they may be washed into the water or cover aquatic or riparian vegetation. Stockpiles shall be covered when half inch (0.5") or more precipitation within a 48-hour or greater period and/or when a rain event with 30 percent or greater probability of precipitation is forecasted. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area.

Debris Materials and Waste

- 2.64 No Dumping. Permittee and all contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream.
- 2.65 Pick Up Debris. Permittee shall pick up all debris and waste daily.

- 2.66 Wash Water. Water containing mud, silt, or other pollutants from equipment washing or other activities, shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

Toxic and Hazardous Materials

- 2.67 Toxic Materials. Any hazardous or toxic materials that could be deleterious to aquatic life that could be washed into the stream or its tributaries shall be contained in water tight containers or removed from the project site.
- 2.68 Hazardous Substances. Permittee shall ensure that debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement and concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to any life stage of fish and wildlife or their habitat (includes food sources) does not enter the riparian setback or waters of the state, pursuant to FGC Section 5650. Permittee shall immediately remove any of these materials placed within, or where they may enter, a stream or lake or other waters of the state.
- 2.69 Hazardous Materials. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting from the project related activities shall be prevented from contaminating the soil and/or entering the waters of the State.

Spills and Emergencies

- 2.70 Spill Clean Up Equipment. Clean up equipment such as extra boom, absorbent pads, skimmers, shall be on site prior to the start of work within the stream zone.
- 2.71 Spill Cleanup. Permittee shall begin the cleanup of all spills immediately. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures. The Permittee shall have all spill clean-up equipment on site during construction.
- 2.72 Spill Containment. All activities performed in or near a stream shall have absorbent materials designated for spill containment and clean-up activities on-site for use in an accidental spill. The Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550 and immediately initiate the clean-up activities. CDFW shall be notified by the Permittee and consulted regarding clean-up procedures.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 3.1 CDFW Notification of Work Initiation. The Permittee shall contact CDFW within the seven-day period **preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date.
- 3.2 Work Completion. The proposed work shall be completed by no later than **October 15, 2021**. **Notification of completion will include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any CNDDDB submissions** and shall be submitted to CDFW, LSA program at 619 Second Street, Eureka, CA 95501 **within seven (7) days** of project completion.
- 3.3 Project Inspection. The Project shall be inspected a by licensed professional/engineer to ensure that the stream crossings were installed and functioning as designed and the diversion complies with the terms of this agreement. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of each separate project. The Permittee shall submit the **Project Inspection Report** to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.4 Measurement of Diverted Flow. Copies of the **Water Diversion Records** shall be submitted to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501 no later than **March 31** of each year beginning in **2021**, to report the preceding year's diversion.
- 3.5 Site Management Plan and Related Technical Reports. The Permittee shall submit to CDFW the project's current draft of the Site Management Plan and related technical reports if it was not included in the Notification. If the Site Management Plan and/or related technical reports are still in preparation, Permittee shall submit it and all subsequent revisions and updates within 30 days of submittal to the SWRCB.
- 3.6 Notification to the California Natural Diversity Database. If any special status species are observed at any time during the project, the Designated Biologist shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB within five (5) working days of the sightings. A summary of CNDDDB submissions shall be included with the completion notification. Forms and instructions for submissions to the CNDDDB may be found at:
<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S.

mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Valentin Valikov
VZ Farms LLC
2991 Bella Drive
Concord, CA, 94519
415-590-0564

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program- Nicholas Simpson
Notification #1600-2020-0049-R1

LIABILITY

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 Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, or 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. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 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, subdivision (b), 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, 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 section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (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 CEQA; and 3) after payment of the applicable FGC section 711.4 filing fee listed at

<https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall **expire five (5) 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, subdivision (a)(2) requires.

AUTHORITY

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

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, 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 VALENTIN VALKOV


Valentin Valkov

03.05.20

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

cheri.sanville@wildlife.ca.gov

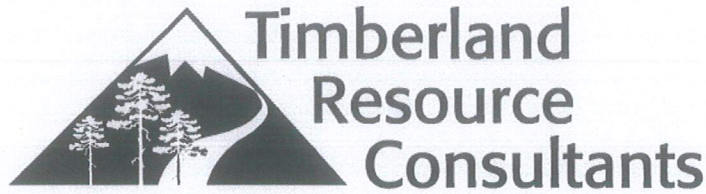
Cheri Sanville

Senior Environmental Scientist Supervisor

Digitally signed by cheri.sanville@wildlife.ca.gov
DN: CN=cheri.sanville@wildlife.ca.gov
Reason: I am the author of this document
Location: CDFW 619 2nd Street Eureka, CA
Date: 2020-05-11 12:08:44
Foxit PhantomPDF Version: 9.6.0

Date

Prepared by: Nicholas Simpson, Senior Environmental Scientist (Specialist), February 24, 2020



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

March 22, 2022

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

RE: APN 107-103-014,015
Permit Application# 16942 & 16943

The following RPF Report was prepared in response to Cal Fire's February 23, 2021 and November 11, 2021 referral comments as follows:

Application Number	16943	Key APN	107-103-014-000
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We have reviewed the above application and recommend the following (please check one):

☐ The Department has no comment at this time.

☐ Suggested conditions attached.

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

☐ Recommend denial.

☒ Other comments. _____

Date:	Name:
Forester Comments: 11/5/21	Tim Meyers

CALFIRE cannot support this project.

It appears from the airphoto that trees were removed between 2015/2019. A CALFIRE harvest document should have been obtained prior to removing the trees. More information is required for a proper evaluation. A Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE.

Date:	Name:
Forester Comments: 2/23/21	Tim Meyers

AP# 16492
APN 107-103-015

It appears from the airphoto that trees have been removed in the project area. A CALFIRE harvest document should have been obtained prior to removing the trees. More information is required for a proper evaluation. A Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE.

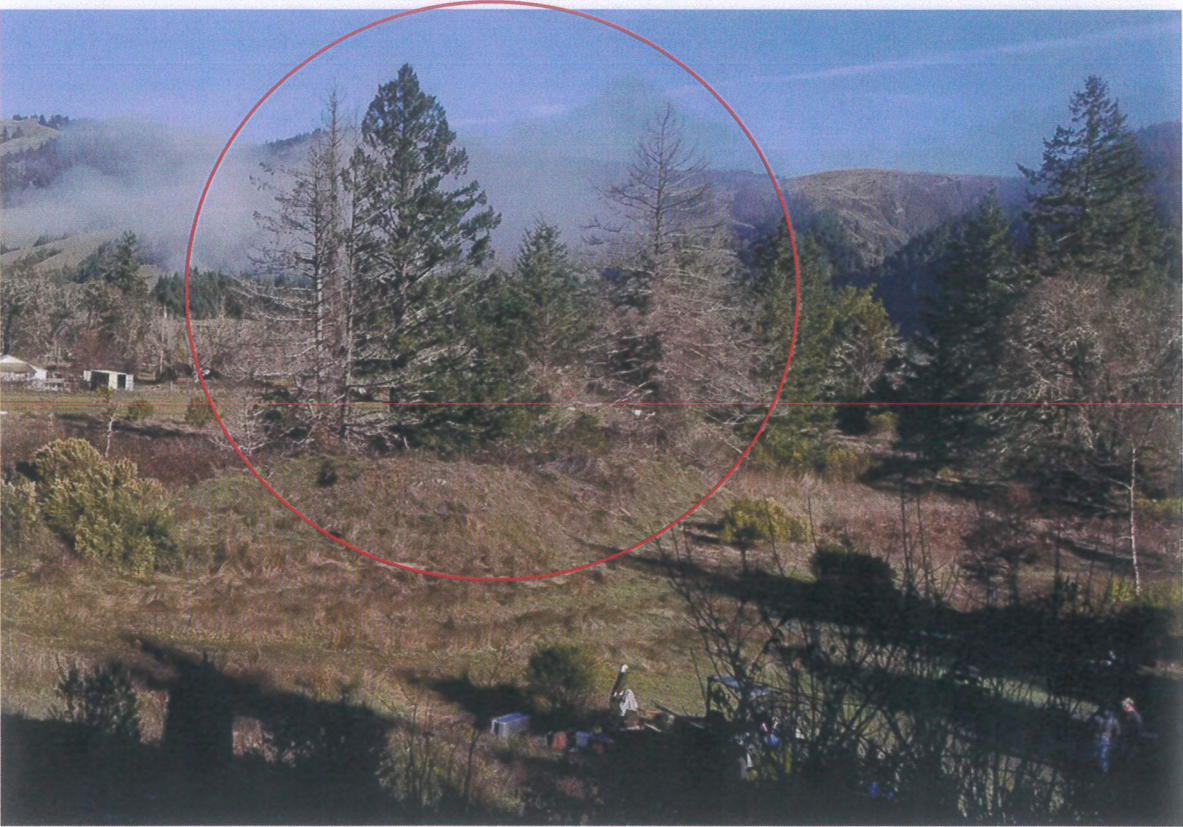
The RPF inspected APN 107-103-014 & APN 107-103-015 on March 18, 2022, and observed two locations where past timber harvesting occurred as described below.

Timber Harvesting Area 1

The RPF observed four Douglas-fir stumps located approximately 150 feet north of the residence adjacent to a Class III watercourse as shown on the attached Tree Removal Map. The Douglas-fir trees were harvested in April 2020. As seen on the photographs below taken by TRC staff on January 2, 2020; these four Douglas-fir trees were dead.



1-2-2020 TRC Drone



1-2-2020 TRC



3-18-2022 TRC

Timber Harvesting Area 2

The RPF observed five Douglas-fir stumps within APN 107-103-015 that are located between the Class II watercourse and the existing cannabis cultivation site as shown on the attached Tree Removal Map. All of the stumps were located outside of the Class II WLPZ. These trees were harvested within the last 6 months. Per the landowner, this narrow strip of second growth Douglas-fir was strewn with garbage and the previous landowner's junk, which included old vehicles, old farm machinery, and cultivation-related waste. During the course of cleaning this area up, a burn pile scorched the subject trees and consequently they were harvested and milled for lumber, which is presently stacked on-site. No grading or timberland conversion occurred. Although Timber Harvesting Area 2 is very small; the RPF recommends restocking this area with Douglas-fir per the attached Restocking Plan. Please note that there are older stumps in photograph, which are in association with THP 1-04-202 HUM.



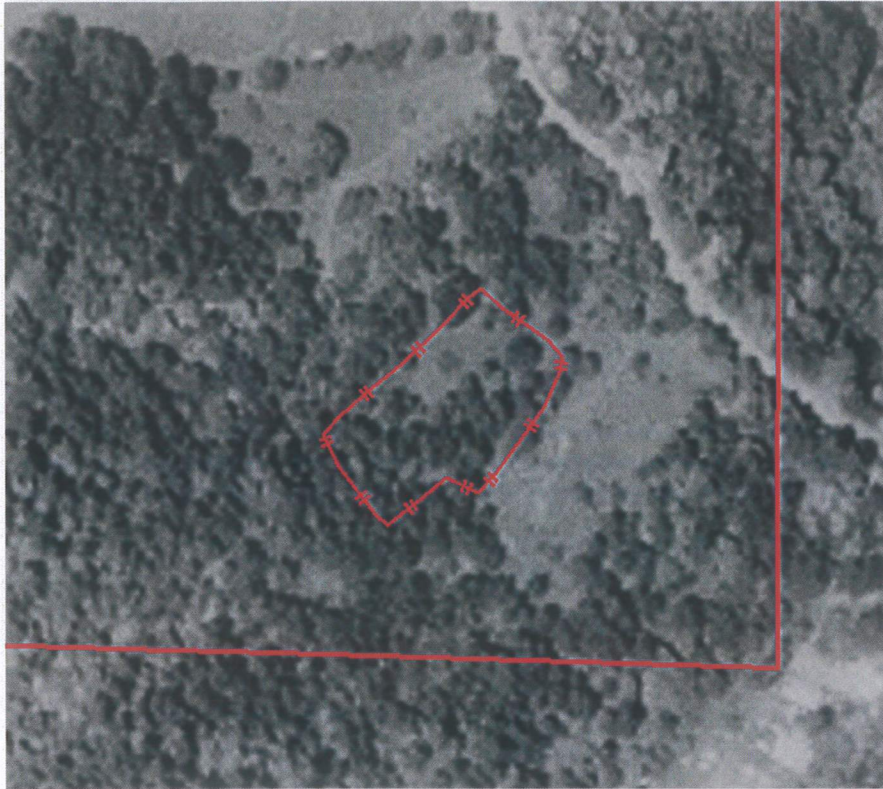
3-18-2022 TRC



3-18-2022 TRC

Existing Cannabis Cultivation Site

The existing cannabis cultivation site located within APN 107-103-015 was originally converted and/or cleared of trees between 1998 and 10-2004 as seen from the imagery below:



1998 NAIP



2004 Google

In 2006, the developed portions of the converted area were used as a log landing in association with THP 1-04-202 HUM. See attached THP Map.

Following the completion of timber operations, the site was used for cannabis cultivation, which is plainly visible on aerial imagery, for an unknown period of time. With the exception of the graded flat where cannabis cultivation occurred, the surrounding portions of the previously converted site grew-over with brush as shown below on photos taken by TRC on January 2, 2020



1-2-2020 TRC Drone



1-2-2020 TRC

The originally converted site was cleared of brush by the current landowner between 3-19-2020 and 5-26-2020 per LandVision imagery. I cannot definitively state that no small trees were taken during the course of brush removal; however, my mapping of the current developed area is located entirely within the greater

site that was converted and/or cleared of trees between 1998 and 10-2004. Based upon my 3-18-2022 site visit, it appears that the landowner retained all standing Douglas-fir trees as shown on my photographs below.



3-18-2022 TRC



3-18-2022 TRC



3-18-2022 TRC



3-18-2022 TRC

Recommendations:

1. Restock the small area where the five Douglas-fir trees were harvested. Although this area was not converted, and is not presently disturbed/impacted; restocking will improve timberland productivity. Additionally, restocking demonstrates compliance with State Water Resources Control Board Order WQ 2019-0001-DWQ, Requirement 64, which states:

Cannabis cultivators shall maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas to the maximum extent possible to maintain riparian areas for streambank stabilization, erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, wildlife support, and to minimize waste discharge.

Sincerely,



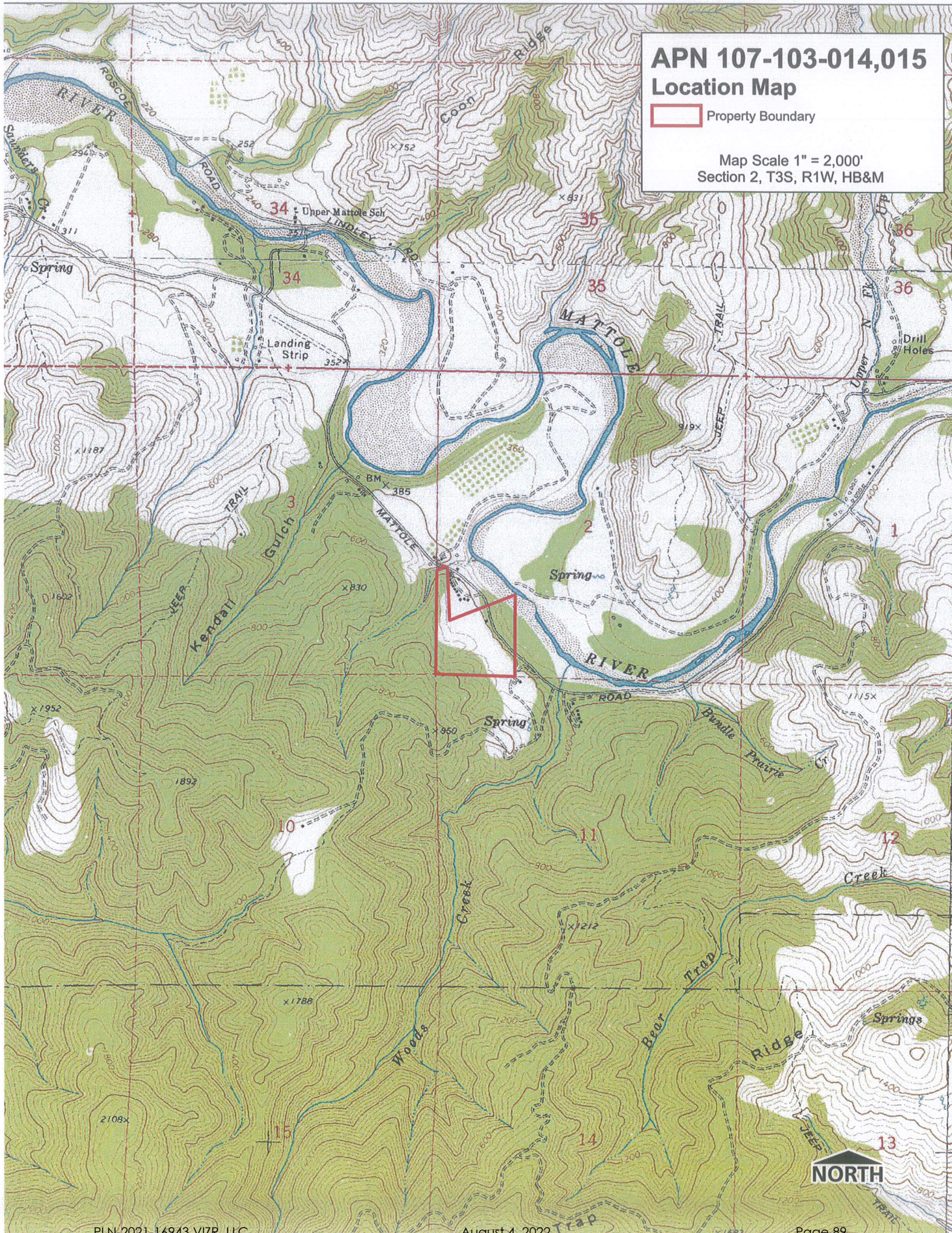
Chris Carroll, RPF #2628
Timberland Resource Consultants

APN 107-103-014,015

Location Map

 Property Boundary

Map Scale 1" = 2,000'
Section 2, T3S, R1W, HB&M

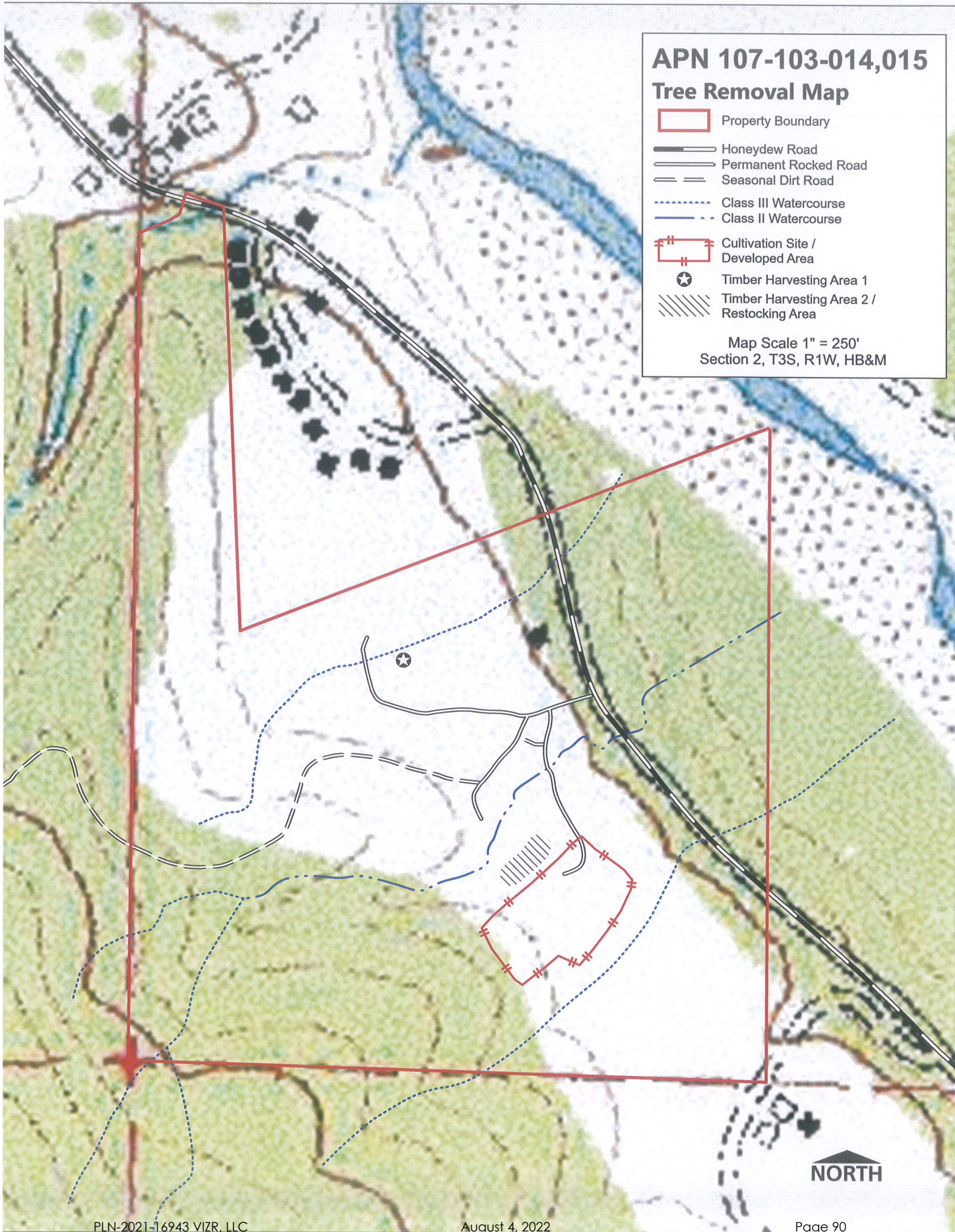


APN 107-103-014,015

Tree Removal Map

-  Property Boundary
-  Honeydew Road
-  Permanent Rocked Road
-  Seasonal Dirt Road
-  Class III Watercourse
-  Class II Watercourse
-  Cultivation Site / Developed Area
-  Timber Harvesting Area 1
-  Timber Harvesting Area 2 / Restocking Area

Map Scale 1" = 250'
Section 2, T3S, R1W, HB&M




NORTH

CURZON THP
THP MAP - UNIT 2



Sections 2, 3 & 11 T3S, R1W, HB&M
Scale 1" = 750'
Contour = 40'
Shrubrick Peak, CA 7.5' Quadrangle

Legend

Property Line	—+—+—+—+—
THP Boundary	—+—+—+—+—
House/Barn	
Class I Watercourse	—+—+—+—+—
Class II Watercourse	—+—+—+—+—
Class III Watercourse	—+—+—+—+—
Water Tank	
Waterline	—+—+—+—+—
Tractor Xing	—+—+—+—+—
County Road Paved	—+—+—+—+—
Seasonal Road Dirt	—+—+—+—+—
Road Point	4
Unstable Areas	
No Cut Inner Gorge	
Unstable Skid Trail	
Designated Skid Trail	
WLPZ/Unstable Skid T.	
Skid Trail Between 50/65%	
WLPZ Skid Trail	

Unit 2
Transition

CGS-3

5

4

WQ1

Cannabis
cultivation
site

800

Class II Tractor Crossing



REVISED

10-14-04

PART OF PLAN

RECEIVED

OCT 18 2004

COAST AREA OFFICE
RESOURCE MANAGEMENT

23



RESTOCKING PLAN
FOR
APN 107-103-015

March 22, 2022

165 South Fortuna Blvd
Fortuna, CA 95540
707-725-1897
707-725-0972 Fax
trc@timberlandresource.com

Restocking Plan

Restocking Areas: See attached Tree Removal Map.

Site	Total Acreage	# Trees at 15'x15' Spacing
Timber Harvesting Area 2	0.14	27



Restocking area 3-18-2022

Site Preparation: Site preparation is commonly utilized to facilitate timber stand establishment. The primary objective of this practice is to create an area suitable for planting seedlings and establishing a new stand of trees. Site preparation activities remove or reduce competing vegetation, reduce or remove unwanted trees and logging debris, and prepare the soil to ultimately promote the growth and survival of desired tree species. There are many methods of site preparation that fall under either chemical or mechanical site preparation. Subsoiling/ripping is a mechanical site prep method for heavy soils on cutover timberlands or agricultural lands that have a compacted layer at or below the soil surface that limits root growth and development. Subsoiling/ripping increases aeration and water-holding capacity of compacted soils and breaks up root restricting hardpans and/or traffic pans.

Recommendation: No subsoiling/ripping is necessary.

Restocking Plan (Cont.)

Types of Seedlings: Harvested and/or understocked timberlands should be artificially regenerated with naturally-occurring conifer species and cultivars well-adapted to the timber stand's specific climate, elevation, and other environmental conditions. Planting seedlings from appropriate seed zones and elevation ranges ensures better seedling success and, eventually, a more resilient timber stand. Specifically, timberland within the property is characterized by Douglas-fir. The area to be planted occurs within California Seed Zone 390 at approximately 400 feet in elevation.

Recommendation: The landowner shall plant Douglas-fir (best suited for Seed Zone 390 at 400-foot elevation) at a uniform spacing no less than 15-feet by 15-feet, or 194 trees per acre.

Most conifer seedlings that come from nurseries are available in two forms: bareroot seedlings and containerized seedlings. Bareroot seedlings are essentially stock whose roots are exposed at the time of planting. Bareroot seedlings are grown in nursery seedbeds and lifted from the soil in which they are grown to be planted in the field. Containerized seedlings are grown individually in a variety of hard-walled vessels or in peat pots from seed. They're typically more expensive than bareroots but usually have a higher survival rate after planting due to their well-formed root system.

Recommendation: Given the conditions of the site and the higher survival rate associated with containerized stock, use containerized seedlings if available.

Seedling Care: Seedling care and handling is extremely important to ensure post planting survival.

Recommendation: For long-term storage (more than 3 days), store seedlings at 33 to 36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days), store below 42 degrees Fahrenheit. At the planting site, take care not to let the roots dry out and avoid exposure to the sun or warmer temperatures.

Planting Instructions: When planting seedlings, the landowner or tree planter should abide by the following:

1. Tree planting shall only occur in winter or early spring. Tree planting should not occur if the ground is frozen or during unusually warm periods.
2. Dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
3. Place the seedling into the hole taking care not to bend the taproot, or main vertical root, and cover with soil.
4. Pack the soil down firmly around the seedling to remove any air pockets.
5. See Appendices A-D for illustrations for correct planting techniques.

Stock Purchase: Ideally, landowners should procure seedlings from sources growing local, site-specific stock. Appropriate stock is determined by stand type, seed zone, elevation, as well as other factors like soil type, site quality, and weather.

Recommendation: The RPF recommends acquiring conifer seedlings from one of the following sources: <https://www.jonsteen.com/>, <https://www.samararestoration.com/>, <http://www.calforest.com/>, <https://sequoiatrees.com/>, <https://rngr.net/>, or contact Timberland Resource Consultants for assistance.

Monitoring Seedling Survival: Although a newly planted stand immediately fulfills stocking standards, the timber stand must continually contain an average density of at least 125 trees per acre (or 18-foot by 18-foot spacing) in order to meet the intent of the California Forest Practice Rules (CFPRs). A **Countable Tree** per 14CCR 895.1 must be in place at least two growing seasons among other requirements.

Restocking Plan (Cont.)

Recommendation: Monitor growth and success of planted trees one year after planting. An RPF should conduct a point count stocking sampling survey per 14CCR 1072. If less than 55% of the planted area meets the 125-point count minimum stocking level, repeat the planting process.

Certification: Within five years of planting, a report of stocking shall be submitted to the county by an RPF, which certifies that the area meets the minimum stocking standards of 14 CCR 912.7.

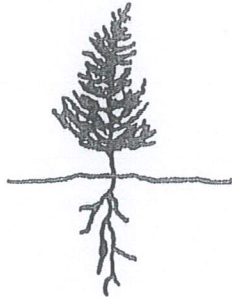
Sincerely,



Chris Carroll, RPF# 2628
Timberland Resource Consultants

APPENDIX A

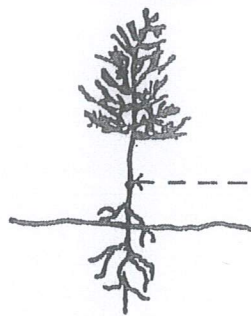
CORRECT METHOD OF SEEDLING PLANTING



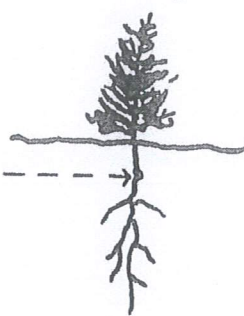
- Soil firmly packed around roots.
- No air pockets.
- Roots straight with no J or L bends.
- Root collar at or slightly below ground level.
- Root not pruned.

ERROR IN PLANTING

Too shallow



Too Deep

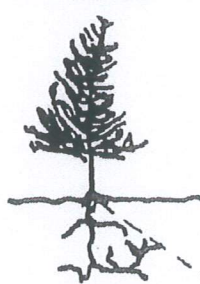


Root Collar

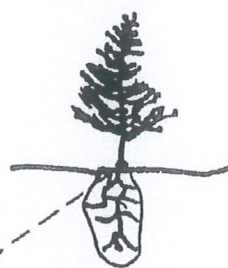
- Hole not deep enough.
- Root collar and upper roots exposed.
- Roots dry out.

- Hole is too deep.
- Root collar buried.

J or L Roots



Air Pockets



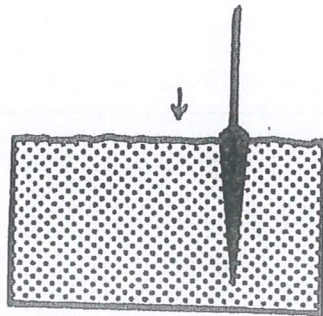
Hole is not deep enough — planting in rocky soil.
Roots cannot effectively take up water.
Tree not wind-firm.

Root Collar

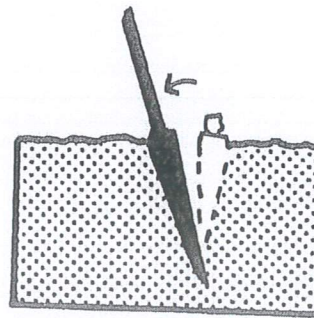
- Soil not firmly packed around roots.
- Air pocket forms.
- Roots dry out.

APPENDIX B
PLANTING WITH A FLAT BAR

1. Insert flat bar straight down.

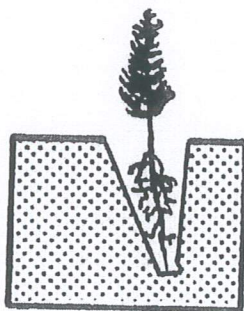


2. Pull flat bar backward to open hole.

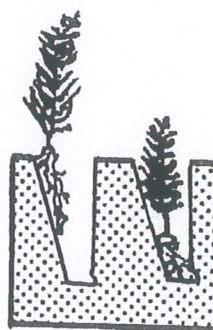


3. Remove flat bar and place seedling at correct depth with root collar at or slightly below ground level.

Correct

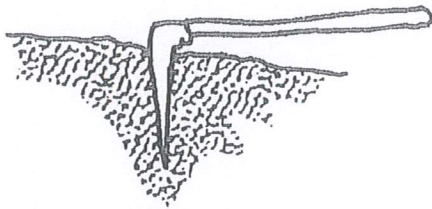


Incorrect

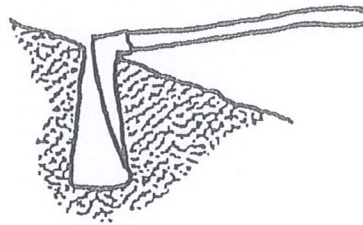


APPENDIX C
PLANTING WITH A HOE

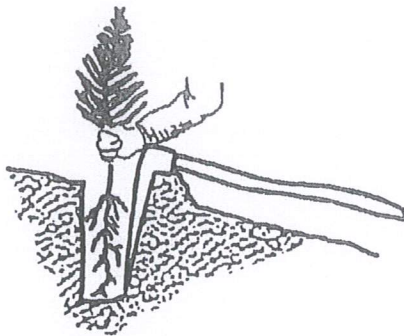
1. Swing hoe to get full penetration.



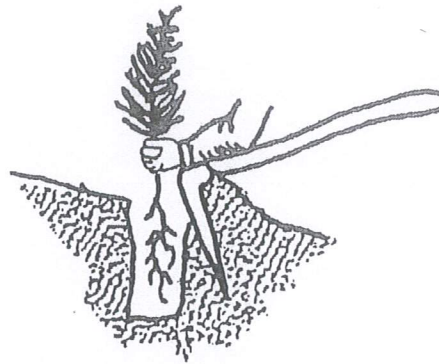
2. Lift handle and pull up to widen hole.



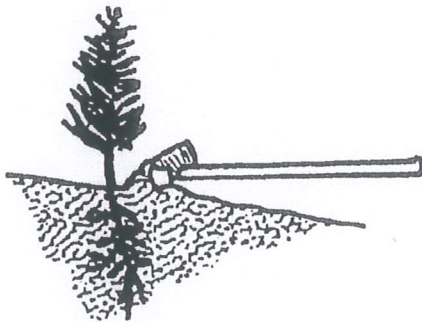
3. Place seedling while using hoe to hold back soil.



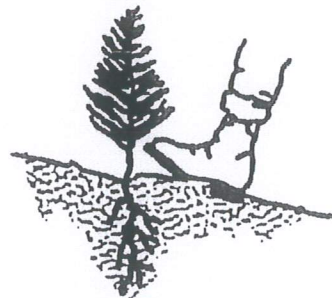
4. Use hoe to pack soil at bottom of hole.



5. Use hoe to pack soil at top hole.



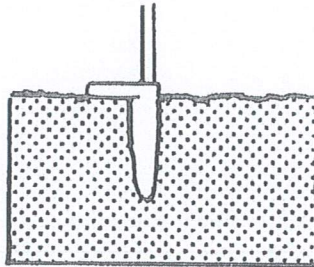
6. Firm soil around seedling with feet.



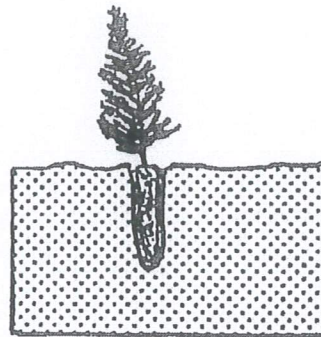
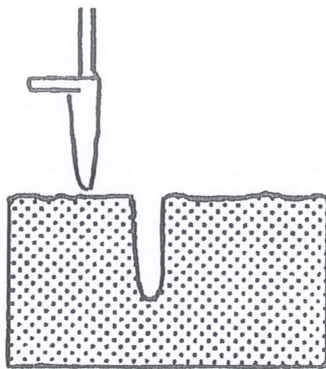
APPENDIX D

PUNTING WITH A PLUG BAR

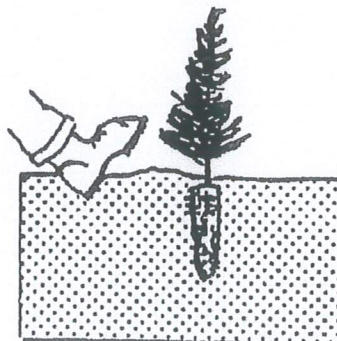
1. Insert plug bar straight down until plug bar footrest is level with ground.



2. Remove plug bar and place seedling in hole.



3. Firm soil around seeding with heel of boot.



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approved	Attached
Division Environmental Health		No response	
Public Works, Land Use Division	✓	Conditional Approval	Attached
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Additional Information Requested	
Bear River Band Rancheria	✓	Additional Information Requested	
Intertribal Sinkyone Wilderness Council		No response	
PG&E		No response	
Regional Water Quality Control Board		No response	
County Counsel		No response	
CalFIRE	✓	Additional Information Requested	Attached
Sheriff		No response	
District Attorney		No response	
AG Commissioner		No response	
Mattole Unified School District		No response	



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

4/28

4/26/2021

Project Referred To The Following Agencies:



Applicant Name VZIR, LLC Key Parcel Number 107-103-014-000

Application (APPS#) PLN-2021-16943 Assigned Planner

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: 5/11/2021

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

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

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

Other Comments:

Parcel is vacant at this time. Proposed building site on a gentle slope. Will need Ag Exemptions for greenhouses. Need to show setback from stream to greenhouses.

DATE:

4/28/2021

PRINT NAME:

Todd Sobolik



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Accela Record No: 2021-16943 APN: 107-103-014

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

- ☒ Site plan appears to be accurate.
- ☐ Site plan is not accurate, submit revised site plan showing the following items:
- ☐ All grading including ponds and roads,
 - ☐ Location of any water course including springs,
 - ☐ All structures including size and use and all setbacks from each other, above stated items, and property lines.
 - ☐ _____
 - ☐ _____
- ☐ Existing operation appears to have expanded as follows: _____
- ☐ Proposed new operation has already started.
- ☐ Development is near a wet area. If yes, distance from development: _____
- ☒ Development is near a Stream side Management Area (SMA). If yes, distance from development: See site plan
- ☒ Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemptions are obtained.
- ☐ Other Comments: _____
- _____
- _____
- _____

Name: Todd Sobolik

Date: 4/28/2021

Note: Please take photographs and save them to the Planning Accela record number.



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

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

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

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

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

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michael Holtermann, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 11/02/2021

RE:

Applicant Name	VZIR LLC
APN	107-103-014
APPS#	PLN-2021-16943 SP & LLA

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

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

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

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Project description states that a lot line adjustment is included with this application. The site plan does not accurately depict the line to be added and the line to be removed. Showing a before and after diagram may be beneficial. Site plan shall have parcel lines with dimensions and bearings. [Reference Humboldt County Code Section 325.5-5(b)] It is unclear why the new parcel line does not follow the County road (so not to create a nuisance stripe).

Requirements regarding Lot Line Adjustment:

Lot Line Adjustment: The proposed lot line adjustment does not affect any facilities maintained by the Department.

Record of Survey: A Record of Survey is required to be filed in conjunction with the Lot Line Adjustment. The County Surveyor may allow for an exception to filing of a Record of Survey map pursuant to County Code Section 325.5-9(c).

Informational Notes:

1. Lot frontage improvements to the roadway (such as paved driveway aprons, parking lanes, lane widening, shoulder widening, road paving, etc.) are typically not required as part of a lot line adjustment project. Lot frontage improvements are typically required when building permits (or other development permits) are requested.



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

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

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
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FACILITY MANAGEMENT	445-7493	ROADS	445-7421

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

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

2. The subject property is located in the State Responsibility Area and is subject to the County's Fire Safe Regulations (FSR) as set forth in County Code. Development of the subject property must comply with the FSR. The Department is involved with ensuring that roads meet minimum FSR. The most common issues with roads not conforming to the FSR are: the maximum length of dead-end road is exceeded; the width of road is not wide enough; the grade of the road is too steep; and curve radii are too small. Development of the subject property may require extensive on-site and off-site road improvements in order to meet minimum standards.

The applicant should be advised that approval of the Lot Line Adjustment does not imply that the FSR have been met or can be met.

Public Works Recommended Conditions of Approval

(All checked boxes apply)

- ☒ COUNTY ROADS- PROXIMITY OF FARMS:
Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
- ☒ COUNTY ROADS- FENCES & ENCROACHMENTS:
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ COUNTY ROADS- DRIVEWAY (PART 1):
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:
- ☐ COUNTY ROADS- DRIVEWAY (PART 2):
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
 - If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet (or to break in slope) where it intersects the County road.
 - If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects the County road.
 - If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.
The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ COUNTY ROADS- DRIVEWAY (PART 3):
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.
- ☐ COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☒ COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing intersection culverts; minimum size is typically 18 inches.
 - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet (or break in slope) where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- ☐ COUNTY ROADS- ROAD EVALUATION REPORT(S):
All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

Application Number

Key APN

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

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary: