



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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

Hearing Date: May 16, 2019

To: Humboldt County Planning Commission

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

Subject: **Dos Rios Ranch, LLC, Conditional Use Permit**  
Application Number 11510  
Case Number CUP-16-272  
Assessor's Parcel Number (APN) 210-191-024  
40777 State Highway 36, Bridgeville, CA 95526

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Please contact Elizabeth Moreno, Planner, at 707-445-7245 or by email at [emoreno@co.humboldt.ca.us](mailto:emoreno@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 16, 2019	Conditional Use Permit	Elizabeth Moreno

**Project Description** Dos Rios Ranch, LLC is seeking a Conditional Use Permit (CUP) for 22,993 square feet of existing cannabis cultivation located on Assessor's Parcel Number (APN) 210-191-024, a 35-acre parcel. The cultivation consists of 2,989 square feet of mixed-light in one greenhouse and 20,004 square feet of outdoor arranged in seven greenhouses. The project includes onsite relocation to protect sensitive environmental and cultural resources. The water source is rainwater catchment contained in water tanks and a water bladder. The applicant proposes to construct a 300,000-gallon rainwater catchment pond to supply future irrigation water. The estimated water usage for 2019 is 80,000 gallons, as the applicant will only cultivate one cycle cultivation, until the pond is constructed. The typical annual irrigation usage is estimated to be about 143,000 gallons (6.2 gallons per square foot). Cannabis plants will be propagated in a proposed 2,299 square foot nursery. Cannabis will be processed onsite in a proposed two story, 5,000 square foot building. Operations will employ three people full time and have up to five seasonal workers during the peak harvesting and processing period. Power is currently supplied by a generator.

**Project Location:** The project is located in the Dinsmore area, on the west side of Highway 36, approximately 4,100 feet north from the intersection of Burr Valley Road and State Highway 36 on the property known as 40777 State Highway 36, Bridgeville.

**Present Plan Land Use Designations:** Residential Agriculture (RA40), Density: 160 to 20 acres per dwelling unit, Slope Stability: High Instability (3)

**Present Zoning:** Forestry Recreation with a Special Building Site Combining Zone setting a 20 acre minimum parcel size (FR-B-5(20))

**Application Number:** 11510

**Case Number:** CUP-16-272

**Assessor Parcel Numbers:** 210-191-024

**Applicant**

Dos Rios Ranch, LLC  
Dustin Miller  
1710 Camelia Drive  
McKinleyville, CA 95519

**Owner**

Miller, Dustin & Burnett –  
Thompson, Arika J.  
1710 Camelia Drive  
McKinleyville, CA 95519

**Agent**

Phil Standish  
North Point Consulting  
PO Box 44  
Eureka, CA 95501

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

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission

**Major Issues:** None



**DOS RIOS RANCH, LLC**  
Case Number CUP-16-272  
Assessor's Parcel Number 210-191-024

**Recommended Commission Action**

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

*Find that the Commission has considered the Addendum to the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the propose Dos Rios Ranch, LLC Conditional Use Permit subject to the recommended conditions.*

**Executive Summary:** Dos Rios Ranch, LLC seeks approval of a Conditional Use Permit for 2,989 square feet of existing mixed light cultivation and 20,004 square feet of existing outdoor cannabis cultivation on a parcel approximately 35 acres in size.

The water source is rainwater catchment stored onsite in a combination of tanks and a water bladder. The applicant proposes 300,000-gallon rainwater catchment pond. The estimated water usage is for 2019 is 80,000 gallons, as the applicant will only cultivate one cycle cultivation, until the pond is constructed. The typical annual irrigation usage is estimated to be 143,000 gallons (6.3 gallons per square foot). As a condition of approval, the applicant will remove the water bladder.

Construction of the pond and outlet has been reviewed by California Department of Fish and Wildlife and issued a Lake and Stream Alteration Agreement for the project. As a condition of approval, the applicant must develop and implement a Bullfrog Mitigation Program.

The applicant is enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Commercial Cannabis Waste Discharge Regulatory Program as a Tier 2 Discharger. As part of that registration, a Water Resource Protection Plan was prepared, and site remediation and monitoring will be conducted.

A two story 5,000 square feet processing facility is proposed. The proposed metal building will meet American Disability Act (ADA) Standards. To support the cultivation operation, the project proposes to construct a 2,989 square foot greenhouse nursery. This building would be used for plant propagation and would not be used to nurture plants through flowering.

In order to protect environmental and cultural resources, three cultivation areas are proposed to be relocated. Two cultivation areas have the potential to impact cultural resources discovered during a Cultural Resources Investigation conducted by Nick Angeloff dated March 2018. The third cultivation area is currently located on steep slopes. The relocation site is proposed on a natural clearing on the property. The operation would consist of 2,989 square feet of mixed-light in one greenhouse, and 17,05 square feet of outdoor cultivation arranged in 6 greenhouses. The seventh green house will stay at its current location. The project will also decommission and remediate a high sediment risk road and develop a new road with switchbacks. As a condition of approval, the applicant will prepare a soils report. No trees were or will be removed to improve the site. As a condition of approval, the applicant will submit a remediation and restoration prepared by a qualified professional and approved by the County.

The project will employ three part time to full time employees for the duration of the annual cultivation and processing cycle. Additionally, up to five shorter term employees may be hired for the peak cultivation and processing period. None of the employees will live on-site.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated

Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance because, this is existing cultivation that is being brought into conformance with county and state requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 18-**

**Case Number CUP-16-272  
Assessor Parcel Numbers: 210-191-024**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Dos Rios Ranch, LLC Conditional Use Permit and Special Permit request.**

**WHEREAS**, Dos Rios Ranch, LLC submitted an application and evidence in support of approving a Conditional Use Permit to cultivate approximately 22,993 square feet of existing cannabis cultivation; and

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

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

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP16-272); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on May 16, 2019

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes the findings for approval in Attachment 2 of the staff report for Case Numbers CUP16-272 based on the submitted substantial evidence; and
3. Conditional Use Permit CUP-16-272 is approved as recommended and conditioned in Attachment 1 for Case Number CUP-16-272.

Adopted after review and consideration of all the evidence on May 16, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

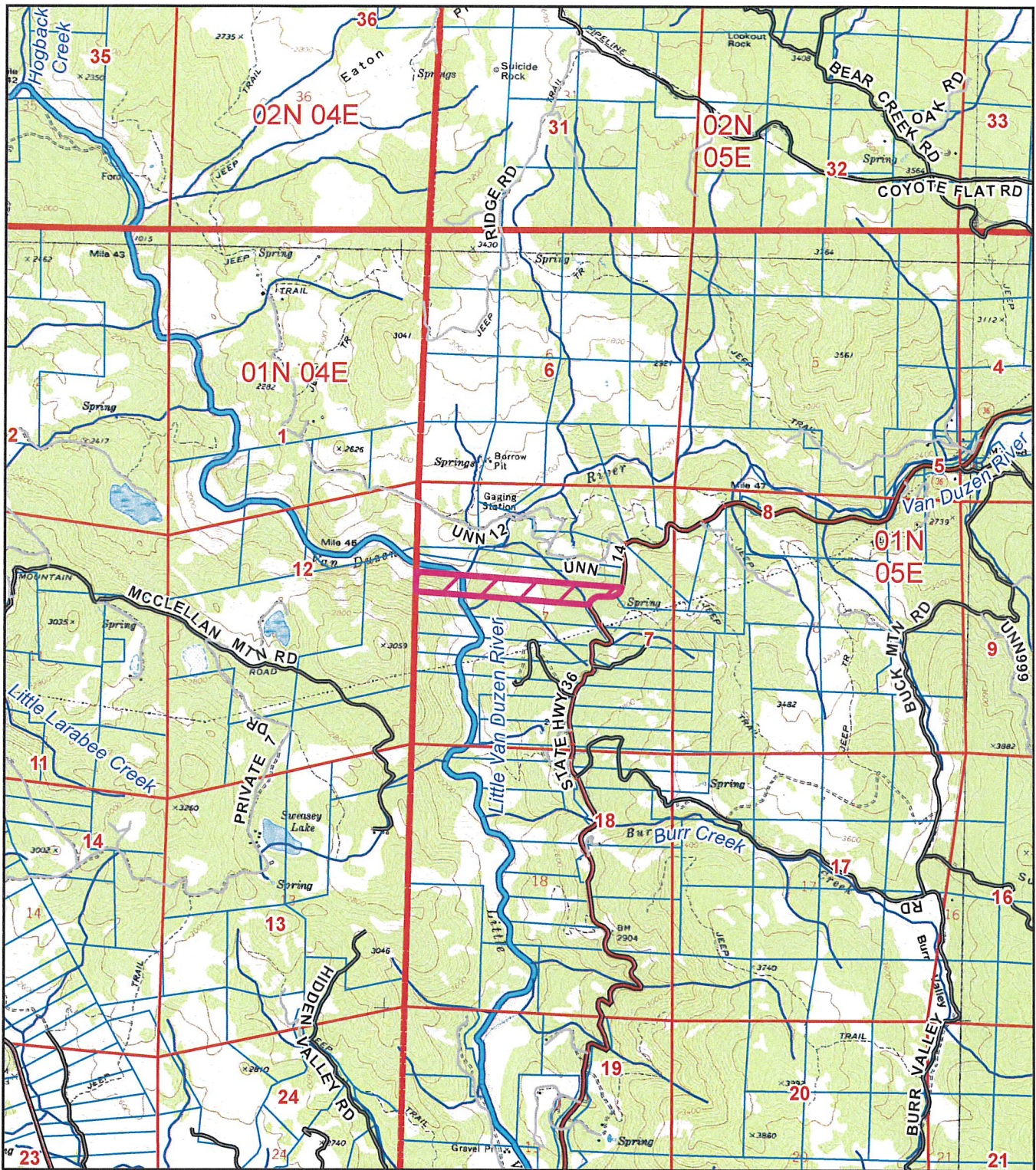
AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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

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John Ford, Director  
Planning and Building Department





**TOPO MAP**  
**PROPOSED DOS RIOS RANCH LLC**  
**DINSMORE AREA**  
**CUP-16-272**  
**APN: 210-191-024**  
**T01N R05E S7 HB&M (LARABEE VALLEY)**

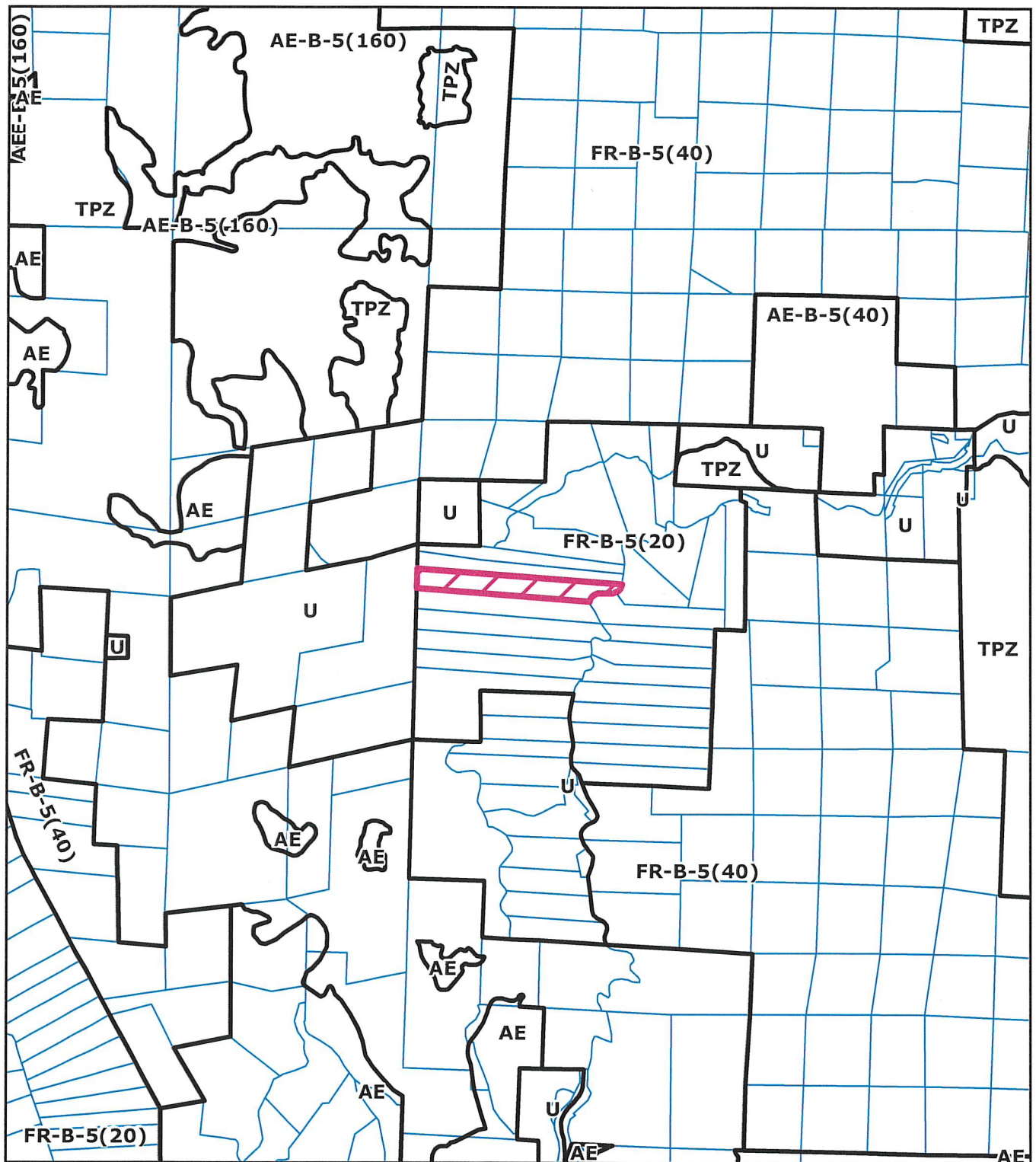
Project Area = 

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

0 0.3 0.6 1.2 Miles







**ZONING MAP**  
**PROPOSED DOS RIOS RANCH LLC**  
**DINSMORE AREA**  
**CUP-16-272**  
**APN: 210-191-024**  
**T01N R05E S7 HB&M (LARABEE VALLEY)**

Project Area = 


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

0 0.3 0.6 1.2 Miles







Project Area = 

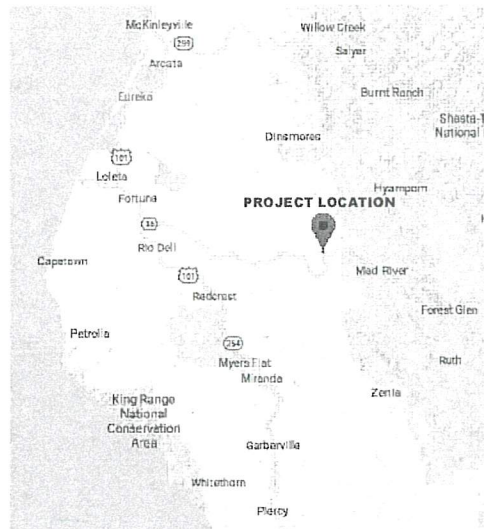
**AERIAL MAP  
PROPOSED DOS RIOS RANCH LLC  
DINSMORE AREA  
CUP-16-272  
APN: 210-191-024  
T01N R05E S7 HB&M (LARABEE VALLEY)**

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 1,000 2,000 4,000 Feet







VICINITY MAP  
NOT TO SCALE

PROJECT INFORMATION:

APPLICANT:  
DOS RIOS RANCH, LLC  
40777 ST. HWY 36  
BRIDGEVILLE, CA. 95526

CLIENT:  
DUSTIN MILLER  
1710 CAMELLIA DRIVE  
MCKINLEYVILLE, CA. 95519

OWNERS AGENT:  
NORTHPOINT CONSULTING GROUP, INC.  
P.O. BOX 44  
EUREKA, CA 95502  
(707) 798-6438

SITE ADDRESS:  
APN: 210-191-024  
40777 ST. HWY 36  
BRIDGEVILLE, CA. 95526

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

WATER: = PRIVATE  
SEWER: = PRIVATE  
PARCEL SIZE: = ±40 ACRES  
ZONING: = AE-B-5(20)  
= AGRICULTURAL EXCLUSIVE

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

BUILDING SETBACKS:

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

- EXISTING MIXED LIGHT CULTIVATION 2,989 SF
- EXISTING OUTDOOR CULTIVATION 20,004 SF

SHEET INDEX

CO- SITE PLAN, VICINITY MAP, AND PROJECT NOTES  
C1- EXISTING AND PROPOSED SITE PLAN

# DOS RIOS RANCH, LLC

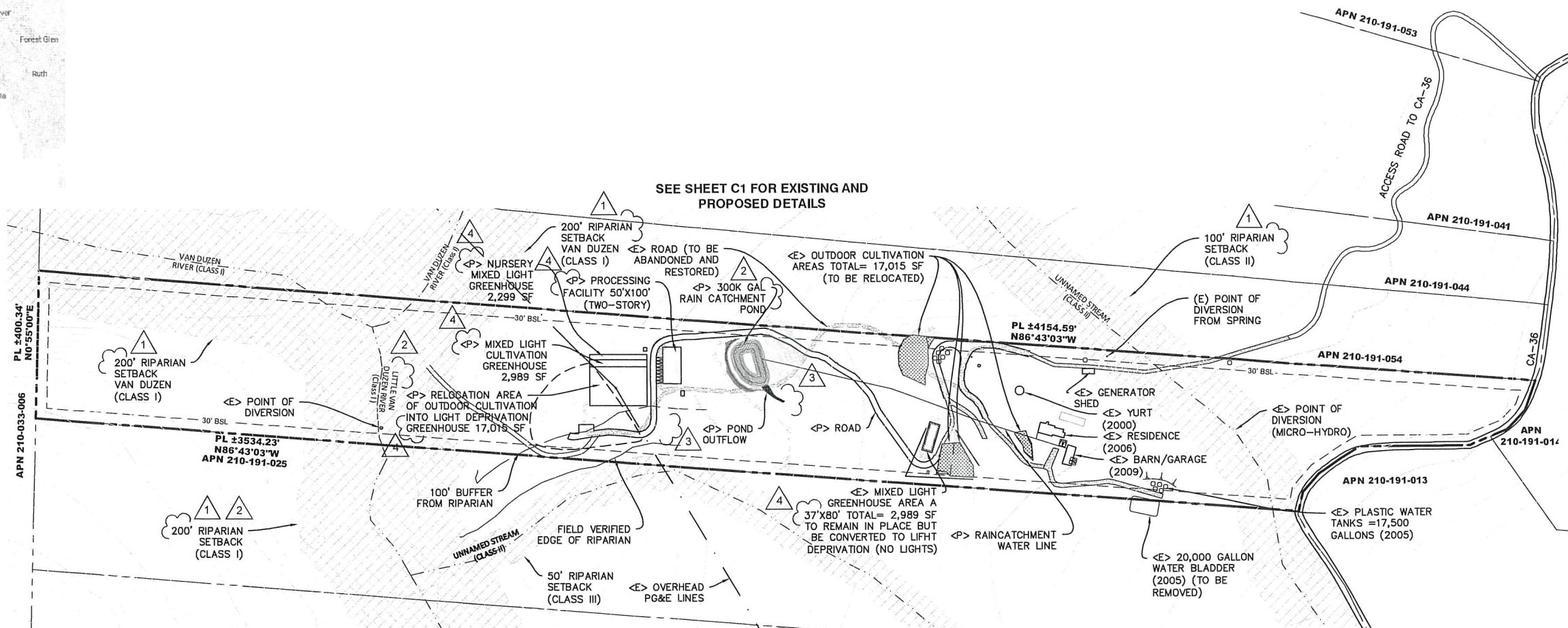
## CONDITIONAL USE PERMIT APPLICATION

APN: 210-191-024

DIRECTIONS TO SITE:  
FROM EUREKA, CA

- US-101 S/ BROADWAY (20 MI)
- TAKE EXIT 685 FOR CA-36 E
- TURN LEFT ONTO CA-36 E (39 MI)
- TURN LEFT (.4 MI)
- TURN LEFT (128 FT.)

SEE SHEET C1 FOR EXISTING AND  
PROPOSED DETAILS



PROJECT DESCRIPTION

DOS RIOS RANCH, LLC IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 22,993 SQUARE FEET (SF) OF MEDICAL CANNABIS OF WHICH 2,989 SF IS MIXED LIGHT TO SERVE DOS RIOS RANCH, LLC. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING: GREENHOUSES, NURSERIES, RAINWATER CATCHMENT POND AND A 50'X100' CULTIVATION FACILITY. PROPERTY FEATURES WILL BE DEVELOPED IN COMPLIANCE WITH STATE AND COUNTY CODE. PLANS TO PROTECT NATURAL RESOURCES WILL BE SUBMITTED TO THE APPROPRIATE AGENCIES. WATER FOR CULTIVATION WILL BE SUPPLIED THROUGH RAINWATER CATCHMENTS AND STORED ON OFF STREAM LOCATION APPROVED BY STATE AGENCIES.

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 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- EXISTING DEVELOPMENT EXIST ON THIS PARCEL WITHOUT THE BENEFIT OF COUNTY REVIEW.

LESS THAN THREE ACRE CONVERSION

HARVEST DOCUMENT: 1-15EX-390-HUM  
DATE: 12-29-2015



PLOT PLAN

22x34 SHEET: 1"=180'  
11x17 SHEET: 1"=360'

0 30 150 300

EXISTING OUTDOOR CULTIVATION AREA

DATE	REVISION
08/27/18	RECEIVED COMMENTS 08/20/18
09-14-18	CORRECT POND SIZE & STREAM CLASS
01/29/19	RESPONSE TO PLANNER DEC 4, 2018
03/29/19	CONFIRM GRADE SLOPE PER COUNTY REQUEST

NorthPoint  
CONSULTING GROUP

DOS RIOS RANCH, LLC / APN: 210-191-024

40777 ST. HWY 36 BRIDGEVILLE, CA 95526

PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJ. MGR:	PS
DRAWN BY:	TJS
DATE:	06-25-18
SCALE:	AS SHOWN

SHEET  
C0  
18-046





## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 –9. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and 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.
3. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all the requirements have been met will satisfy this condition.
4. An invoice or equivalent documentation is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to the reissuance of annual permit.
5. A bullfrog management plan will be prepared for the pond, per the LSAA (1600-2016-0581) and submitted to the California Department of Fish and Wildlife and copy to the Planning Department.
6. The applicant will remove the water bladder once the pond is constructed and operating remediate the site.
7. The applicant shall provide the Planning Department a copy of the permit for encroachment of the private driveway into the California Department of Transportation right-of-way for State Route 36.
8. If applicable, the Applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
9. The property owner 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.



10. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
11. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. Meet all the reporting requirements for the LSAA (1600-2016-0581) issued on August 2018 by the California Department of Fish and Wildlife.
4. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
5. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
6. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
7. 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 & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
8. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
9. 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.
10. 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).

11. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
12. Comply with the terms of any applicable Lake and Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife, including requirements for forbearance period diversion limitations, implementation of a bullfrog abatement program, and water usage reporting.
13. 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.
14. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
15. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
16. Pay all applicable application and annual inspection fees.
17. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
18. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
19. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
20. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
21. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
22. The use of monofilament netting for all uses, including but not limited to erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
23. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.



24. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.

Performance Standards for Cultivation and Processing Operations

25. 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."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
- i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) Personal protective equipment policies, including respiratory protection.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) Poison control contacts.
  - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.

- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

30. Term of Commercial Cannabis Activity Conditional Use 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.
31. 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 CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
32. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.
34. Permittee further acknowledges and declares that:
- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
  - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
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; and
  - 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.
37. The access road shall be improved to meet the functional equivalent of a Category 4 road with slopes consistent with Fire Safe Regulation standards as certified by a licensed engineer or County staff. (Not sure yet if we need this for this project. Check the road.

#### **Informational Notes:**

1. Pursuant to section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 and 24 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning



fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. 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.
6. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.

## ATTACHMENT 2

### REQUIRED FINDINGS FOR APPROVAL

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

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

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

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

**1. The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports a finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p> <p>Residential Agriculture</p>	<p>Residential Agriculture (RA40): This designation is intended for large lots that rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep, and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Primary and Compatible Uses include: Single-family and second residential units, and general agriculture. Density for RA40 is one dwelling unit per 40 acres.</p>	<p>The project entails the permitting of two existing cultivation areas totaling 22,993 square feet on an approximately 35-acre parcel. These actions are consistent with these objectives.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The project site is accessed directly from State Highway 36, which is a non-County maintained road. As a Condition of Approval, the applicant will obtain an encroachment permit from The California Department of Transportation.</p>



<b>Plan Section</b>	<b>Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.  Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project site does contain an existing residence which will remain.
Conservation and Open Space Chapter 10  Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)  Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	The proposed project is for the continued operation of cannabis cultivation. The project can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designation and zoning. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.
Conservation and Open Space Chapter 10  Biological Resources Section 10.3	Goals and policies contain in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)  Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.	The proposed project site does not contain any known occurrences of sensitive species. However, there are known occurrences within the vicinity, so the project plan has incorporated measures to reduce the potential to impact these species. Cultivation areas on steep slopes will be abandoned and the area restored, and unnecessary roads will be decommissioned. These steps reduce the risk of erosion and sedimentation. Additionally, forbearance period diversion limitations will be observed, and a bullfrog management plan will be implemented.
Conservation and Open Space Chapter 10  Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future	A cultural resources investigation was prepared for the subject property in March 2018 by Archaeological Research and Supply Company. The survey covered the entire project area and discovered an archaeological resource on the property. The discovery was made near the cultivation site. The report concluded that relocation of the existing cultivation outside of the

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation].</p>	<p>resource area would result in no impact to the resource. The applicant has elected to move the cultivation site in order to mitigate any potential impacts to the potentially significant site. The Bear River Tribal Historic Preservation Officer concurred with the report recommendations.</p> <p>A condition regarding inadvertent archaeological discovery is included.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project site is not located near any designated scenic highway but is adjacent to Highway 36 which listed as an Eligible State Scenic Highway but is not officially designated. The proposed project is not visible from Highway 36. The CMMLUO requires that mixed-light cultivation activities comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Compliance with these requirements have been added as conditions of approval to the proposed project.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. A WRPP was prepared for the project in August 2016 to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identifies remediation efforts and corrective actions based on a site evaluation and previous studies, as well as a monitoring and reporting plan following remediation activities. Sites identified in the WRPP have recommended corrective actions as conditions of approval.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The water source is rainwater catchment stored onsite in a combination of tanks and a water bladder. The applicant a proposes 300,000-gallon rainwater catchment pond.</p> <p>As a condition of approval, the applicant will remove the water bladder.</p> <p>The project proposes to install a new Onsite Wastewater Treatment System (OWTS). This system must be designed and installed by a licensed professional to the satisfaction of the County Building Department, the Department of Environmental Health, and the North Coast Regional Water Quality Control Board.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The project currently uses generators. As a condition of approval, the applicant will demonstrate that it meets the noise thresholds required for the situation. However, the project proposes to install a connection with PG&amp;E in order to discontinue generator use. Connecting to PG&amp;E and use of the generators as emergency back-up only is a condition of approval.</p>
<p>Safety Element Chapter 14</p> <p>Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>Based on the Humboldt County Web GIS, the project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. Geologic hazard maps of the General Plan show the slope instability of the property to be high, which is the case for much of the County. The portion of the parcel that is adjacent to the Little Van Duzen River is very steep, however the area of proposed development is around 15% slope. The proposed project is not located in an airport contour area or military training route. The project does not propose to develop any new residential buildings. The proposed processing building will have to have plans and construction that meet the requirements of the Building Department. Any proposed grading will require review and permits from the Building Department.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area, and is well outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential risk of wildfire.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The parcel is in an area of Very High Fire Hazard rating and within the Bridgeville Fire Protection District. As a condition of approval, the applicant is to propose fire turn-around and pull-out area for emergency vehicles and management of trees and vegetation around structures to maintain the required 100-foot defensible space, in addition to installation of a dedicated 2,500 gallon tank with SRA riser and hydrant if required by CAL FIRE. All water stored in the two existing 2,500 gallons tanks would be available for fire suppression efforts as well. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations, Resource Management policies, and for cannabis cultivation in SRA lands.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	<p>The proposed project construction will require grading and heavy equipment operation, both of which could generate air quality pollutants. As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>



**2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:**

The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence That Supports the Zoning Finding</b>
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 210-191-024 is Lot 20 of Parcel Map No. 4 (Deerfield Ranch) as per Map recorded in Book 1 Pages 8 through 15 of Parcel Maps, as amended by Map recorded in Book 1 of Parcel Maps, Page 17 on September 21, 1966. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3  Forestry Recreation (FR)  §314-17.1  "B-5" Combining Zone	<b>Forestry Recreation (FR):</b> Intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare. <b>B-5(20) Special Building Site Combining Zone:</b> Specifies a 20 acre minimum parcel size	<p>The applicant is seeking a Conditional Use Permit for an existing 22,993 square foot cannabis cultivation operation with proposed appurtenant processing facility to be served by an on-site septic system on a property zoned FR-B-5(20). The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.</p> <p>The site has been evaluated by a professional forester and a less than 3-acre timber conversion exemption was obtained from Cal Fire. The proposed new development would occur in a natural clearing that does not support timber production.</p>

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size	FR B-5(20) - 20 acres	The subject parcel is approximately 35 acres.
Maximum Ground Coverage	None specified	N/A
Minimum Lot Width	200 feet	The subject parcel width is approximately 400 feet
Maximum Lot Depth	None specified	N/A
Setbacks  Front: 20 feet  Rear: 20 feet  Side: 10 feet  Fire Safe Standards setback from all property lines: 30 feet		Front, rear, and side property lines: The plot plan shows a 30 foot setback from all property lines.    All existing and proposed structures meet the Fire Safe setback requirements.
Max. Building Height	35 feet	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	Streamside management areas have been identified on the project site map and all cannabis cultivation and processing operations are outside of the required buffers. The applicant has finalized a Lake and Stream Alteration Agreement with CDFW for the proposed pond.
§314-109.1.2.3 Off-Street Parking	Parking Facilities shall be provided for any new building constructed.	Six (6) parking spaces are proposed as well as one (1) ADA-compliant space for a total of seven (7) parking spaces.



<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2 Existing Outdoor and Mixed-Light Areas	In FR zoning districts on parcels one acre or larger, outdoor and mixed-light cultivation may be permitted with a Zoning Clearance Certificate, Special Permit, or Use Permit. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation and 22,000 square feet for mixed-light cultivation.	The Cultivation Area Verification by the Planning Division confirms evidence of 22,993 square feet of cultivation prior to January 1, 2016.  The applicant does not propose to expand the area within the project site currently under outdoor cultivation than 10,000 square feet.
§314-55.4.8.2 Timber Conversion	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	A review of aerial imagery on the Humboldt County WebGIS shows the parcel has a naturally open area where cultivation and processing operations will be located. No trees have been nor are proposed to be removed as part of the project.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	The applicant is applying for a single CUP for this project. This application is for one permit and the only permit the applicant is applying for and is entitled to four. According to records maintained by the Department, this is confirmed.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial cannabis cultivated will be processed (dried, trimmed, and cured) in the proposed processing building. All product harvested on-site will be processed on-site. The project will employ three part time to full time employees for the duration of the annual cultivation and processing cycle. Additionally, up to five shorter term employees may be hired for the peak cultivation and processing period. None of the employees will live on-site. The project has been conditioned to include all applicable Employee Safe Practices enumerated in Section 55.4.11 (q) through (u).
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form for the site was filed with the Planning Division on August 20, 2016, and within the specified window.

§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The applicant proposes to collect rainwater in a catchment pond for irrigation. Domestic water is sourced from surface water diversions. These diversions have been registered with the Division of Water Rights and have been issued a Lake and Streambed Alteration Agreement.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The subject parcel is in a remote location and conforms to the 600-foot setback for schools, school bus stops, parks, and places of religious worship. The project cultivation was within a cultural resource identified in the Cultural Resource Investigation Report, dated May 2018. The applicant is relocating onsite to protect the cultural resource.
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	The primary power source for the project is currently a generator, as a condition approval the applicant is to meets the 60-decibel threshold of the CMMLUO. The large parcel, and interior location of project activities prevents the generator noise from being heard by neighbors. The generator is proposed to be replaced by PG&E sourced power.



<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on November 22, 2016.</p>
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**4. Public Health, Safety and Welfare, and 6. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

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

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single family residence which will remain. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO.



**ATTACHMENT 3**  
**CEQA Addendum**

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

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

***APN 210-191-024, 40777 State Highway 36, Dinsmore, County of Humboldt***

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

**May 2019**



## Background

### **Modified Project Description and Project History –**

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

Dos Rios Ranch, LLC is seeking a Conditional Use Permit (CUP) for 22,993 square feet of existing cannabis cultivation located on Assessor's Parcel Number (APN) 210-191-024, a 35-acre parcel. The cultivation consists of 2,989 square feet of mixed-light in one greenhouse and 20,004 square feet of outdoor arranged in seven greenhouses. The project includes onsite relocation to protect sensitive environmental and cultural resources. The relocation results in an environmentally superior project. The water source is rainwater catchment contained in water tanks and a water bladder. The applicant proposes to construct a 300,000-gallon rainwater catchment pond to supply future irrigation water. The rainwater catchment system will ensure no impact on aquatic resources or groundwater resources. The estimated water usage for 2019 is 80,000 gallons, as the applicant will only cultivate one cycle cultivation, until the pond is constructed. The typical annual irrigation usage is estimated to be about 143,000 gallons (6.2 gallons per square foot). Cannabis plants will be propagated in a proposed 2,299 square foot nursery. Cannabis will be processed onsite in a proposed two story, 5,000 square foot building. Operations will employ three people full time and have up to five seasonal workers during the peak harvesting and processing period. Power is currently supplied by a generator.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the existing 22,993 square feet commercial cannabis operations, authorize the use of a point of diversion and to construct minor improvements necessary to bring the operations into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The projects as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings,



mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

## ATTACHMENT 4

### Applicant's Evidence In Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (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  $\frac{1}{4}$  mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Copy of a less-than-3-acre conversion exemption on file)



11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Dos Rios Ranch, LLC Cultivation and Operations Manual, June 2017. (attached)
16. Cultural Resources Study, Archaeological Resource and Supply Company, March 2018. (on file and confidential)
17. Dos Rios Ranch, LLC Water Resource Protection Plan, Manhard Consulting, August 2016. (on file)
18. DEH Worksheet (on file)
19. Road Evaluation Report, North Point Consulting, June 27, 2018. (on file)
20. Generator noise compliance documentation, MQ Power manufacturing specs and calculations, North Point Consulting (on file)
21. 2017 Water Diversion Reporting, North Point Consulting August 22, 2018. (on file)
22. Water Management Plan, North Point Consulting, September 14, 2018. (on file)
23. Environmentally superior relocation alternative, North Point Consulting June 27, 2018. (attached)



NorthPoint Consulting Group, Inc.  
P.O. Box 44  
Eureka, CA 95501  
(707) 798-6438

January 24<sup>th</sup>, 2019

Mr. Chad Johnson  
Helix Environmental Planning, Inc.  
Natoma Street, Suite 155  
Folsom, CA 95630



RE: Dos Rios Ranch, LLC  
APN: 210-191-024  
Humboldt Application # 11510

Chad Johnson,

This correspondence is in response to ongoing comments related to the reorganization of cultivation activities on APN: 210-191-024 to environmentally and culturally superior areas, as well as the overflow infrastructure of a proposed rainwater catchment pond. Please consider the information listed below along with the revised site plans (see attached).

#### **Proposed Rainwater Catchment Pond**

The proposed rainwater catchment pond will be designed to only capture rainwater and shall direct outlet overflow to infiltrate and to disperse remaining runoff as sheet flow. This rainwater catchment pond shall include an outlet appropriate in size and capacity to adequately disperse expected stormwater runoff in the event of excessive rainfall events. The outlet will consist of a rocked swale which will permit stormwater flows to safely pass into a rocked infiltration gallery without threat of erosion or sediment generation. The infiltration gallery shall consist of an excavated ditch approximately 4-feet in depth by 4-feet in width by 16-feet in length. This excavated ditch shall be lined with a woven geotextile material and backfilled with cleaned gravels and drain rock. The infiltration gallery shall be set close to contour. The pond and gallery are located in an area featuring native slopes between two (2) and twelve (12) % and allow for dispersed stormflow runoff from the pond outlet to be converted to non-erosive sheet flow protecting downstream water quality. Grading spoils generated during construction of the proposed pond will be used to shape a flat as part of the reorganization and relocation of existing cultivation areas to an environmentally and culturally superior area.

#### **Cultivation Area relocation**

Cultivation Areas B and C contain 9,728 square feet (sf) and 8,414 sf respectively of outdoor cannabis cultivation. Both sites are located in areas mapped with high instability on slopes in excess of 15%. These cultivation areas were terraced with benches, constructed with cut and fill earthwork in a highly erosive setting. The relocation of these existing agricultural developments to an environmentally superior location with more stable soils and milder gradient topography is consistent with the County's





regulations. The gentler slopes (<15% grade) and more stable soil conditions of the proposed re-organization site offer a more suitable long-term solution for continuing cultivation activities on the subject property.

Cultivation Area D contains 1,862 sf of outdoor cannabis cultivation and is sited in an area determined by both an *archaeological survey and relevant tribal authorities\** to contain sensitive archaeological resources. Accordingly, this cultivation area should be relocated to a more suitable site. The proposed re-organization site contains mild slopes (<15% grade) and has been surveyed and shown to not contain sensitive archaeological resources.

Please let us know if you have any additional questions or require any further information. Our office can be reached at (707) 798-6438.

Thank you for your valuable time and consideration.

  
Sincerely, Praj White

\* Nick Angeloff, M.A. of Archaeological Research and Supply Company and the Bear River Tribe

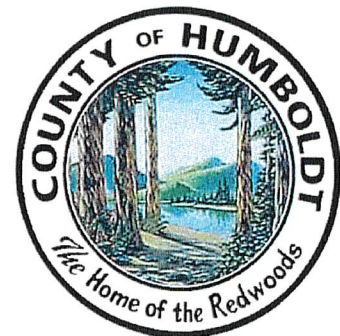
**DOS RIOS RANCH, LLC  
CULTIVATION AND OPERATIONS MANUAL  
HUMBOLDT COUNTY, CA**

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**PROPOSED MEDICAL CANNABIS  
CULTIVATION FACILITIES**



**PREPARED FOR:**



**June 2017**



**Cultivation and Operations Manual  
For  
Dos Rios Ranch, LLC**

**Proposed Medical Cannabis Cultivation Facilities**

Lead Agency:

***Humboldt County Planning Department***  
3015 H Street  
Eureka, CA 95501

Prepared By:

***Manhard Consulting***  
611 I Street, Suite A  
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In Consultation with:

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June 2017

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## 1. PROJECT SUMMARY

### 1.1. PROJECT OBJECTIVE

Dos Rios Ranch, LLC is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit for approximately 2,880 square feet (sf) of mixed light medical cannabis cultivation and for approximately 16,120 sf of outdoor cultivation for a total of 19,000 sf. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, greenhouses, proposed nurseries, rainwater catchment pond, and a cultivation facility for drying, curing, and trimming of medical cannabis. The applicant aims to become fully compliant with State and Local cultivation regulations.

### 1.2. SITE DESCRIPTION

The Project is located at 40777 State Highway 36, (APN 210-191-024) just west of the community of Dinsmore. The subject parcel is approximately 35.47 acres in size (per the County of Humboldt's WebGIS). The site is located at the confluence of the Van Duzen River and the Little Van Duzen River at an elevation of approximately 2,200 ft. The western facing property has a mix of dense hardwood forest and rolling meadow grassland. Existing development of the site includes a single-family residence, barn, yurt, sheds and a greenhouse.

### 1.3. LAND USE

The subject property has a General Plan designation of Agricultural Land as identified by the Humboldt County General Plan and is zoned Forest Recreation (FR). The surrounding parcels are zoned Forest Recreation (FR), and Unclassified (U).

### 1.4. STATE AND LOCAL COMPLIANCE

#### 1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Dos Rios Ranch, LLC will obtain a Commercial Cannabis Activity license from the State of California at time such a license becomes available.

#### 1.4.2. STATE WATER RESOURCES CONTROL BOARD

The primary water source is a point of diversion (POD) located on the Little Van Duzen River. A second POD exists on an unnamed spring and is subject to seasonal flows. The two PODs have been registered with the SWRCB under a riparian right (S024931 & S024933). For domestic uses a Small Domestic Use Registration (D032423) was filed in May of 2015 and is currently pending.

#### 1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective March 18, 2016, Dos Rios Ranch, LLC enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID Number 1B16253CHUM). A Water Resources Protection Plan was developed for the project by Manhard Consulting, and has been implemented for activities associated with onsite cultivation since May 2016.

**1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT**

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

**1.4.5. CAL FIRE**

Completion of a Less than 3-Acre Conversion Exemption (1-15EX-390-HUM) was finalized in early 2017. The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. A hydrant has been installed near the properties residence to SRA specifications that is connected to a 2,500 gallon water tank. —

**1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

A Lake and Streambed Alteration Agreement (LSAA) for the California Department of Fish and Wildlife was submit in December of 2016. Conditions of the LSAA by CDFW we received and signed in March of 2017. The LSAA included the 2 points of diversion for Dos Rios Ranch's water source, a third point of diversion that is a part of the micro hydo system that will divert water from the unnamed tributary to a small pelton wheel and then discharged back to the creek channel. Additionally, the proposal to construct a rainwater catchment pond and spillway used for irrigation in the central area of the property.

**1.4.7. CULTURAL RESOURCES**

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

**2. CULTIVATION AND PROCESSING****2.1. NURSERY PROPAGATION AND INITIAL TRANSPLANT**

Juvenile plants are propagated on site from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce 'clones.' The clones are placed into the nursery, and once fully rooted they are transplanted directly into one (1) gallon plastic containers containing a growing medium of coco-core fiber and perlite (see Appendix A for nursery location). The juvenile plants are irrigated using hand watering methods. After 2-4 weeks the clones are then transplanted into smart pots or beds with a soil and perlite medium, and moved into a greenhouse where they continue their 'vegetative' cycle.



## 2.2. MIXED LIGHT CULTIVATION PLAN AND SCHEDULE

The mixed light cultivation will occur in an existing <sup>37</sup>30'x80' and <sup>989</sup>30'x16' greenhouses for a total of 2,880 square feet. The greenhouse consists of pvc piping and wood framing, covered with woven poly translucent opaque tarp. The greenhouse is ventilated by intake and exhaust fans. The greenhouses utilize a combination of artificial light and light deprivation to produce up to three (3) to four (4) flowering cycles per year. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the mixed light cultivation operation for a typical three (3) to four (4) cycle year.

## 2.3. OUTDOOR CULTIVATION PLAN AND SCHEDULE

The existing <sup>29,004</sup>16,800 square feet of cultivation is just north of the mixed light green house on a terraced hill side that is estimated to be at a 25% slope. With the development of the proposed cultivation facility and the proposed pond, the applicant proposes to reorganize the existing outdoor cultivation. The proposed area has a gentle slope and would allow water to be gravity fed from the proposed pond. The re-organized outdoor cultivation will occur in a proposed four (4) 30'x100' greenhouses and one (1) 40'x100' for a total of 16,000 sf. The greenhouses will consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse will be ventilated by intake and exhaust fans. The greenhouses utilize light deprivation to produce up to two (2) to three (3) flowering cycles per year. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the mixed light cultivation operation for a typical two (2) to three (3) cycle year.

## 2.4. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using top-feed hand watering methods and drip irrigation. Dos Rios Ranch, LLC maintains that irrigation and fertigation is more efficiently managed when watering is done by drip and fertilizer application is done by hand to better control the amount of nutrients a plant needs based on its health, and appearance after daily inspection. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation.

## 2.5. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying room which is equipped with ventilation fans. The drying process takes approximately one week, at which time the flowers are bucked into manageable buds and hand trimmed or fed into an automated trimming machine. The machine-trimmed buds receive a finishing trim by hand before being weighed, labeled, logged, and sealed. The finished product is stored in the processed materials room before being transported to a licensed distribution facility. The waste product, or 'trim', from the machines is collected and placed into bins to be weighed, labeled, and sealed. Trim will be transferred to an offsite, licensed manufacturing facility.

## 2.6. PROCESSING FACILITY

All cannabis processing will occur on site at the proposed two-story 50'x100' square foot cultivation/processing facility. The facility will incorporate all aspects of processing including drying, curing, and trimming, and will include an ADA restroom for employees. The restroom will include a working flush toilet as well as a sink with cold and hot running water provided by an on demand electric water heater. The proposed metal building will have an engineered concrete slab and will conform to commercial building standards per the 2016 California Building Code.

## 2.7. EMPLOYEE PLAN

Dos Rios Ranch, LLC is an “agricultural employer” as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

### 2.7.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge*: Responsible for business oversight and management of the Dos Rios Ranch, LLC. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.
- *Lead Cultivator*: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Assistant Cultivator / Processing Manager*: Provides support to the *Lead Cultivator* in their day to day duties and takes the lead role during times when the *Lead Cultivator* may be off site. Once processing activities commence, the *Assistant Cultivator* duties switch to oversight and management of processing the dried medical cannabis. This is a full-time, seasonal position.
- *Seasonal Laborer*: Provides cultivation, harvesting, and processing support including trim machine operation and hand-finish trimming. This is a part-time to full-time, seasonal position.

### 2.7.2. STAFFING REQUIREMENTS

In addition to the *Agent in Charge*, and two (2) *Assistant Cultivator positions*, up to five (5) seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of Eight (8) employees on site.

### 2.7.3. EMPLOYEE TRAINING AND SAFETY

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

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

### 2.7.4. TOILET AND HANDWASHING FACILITIES

The proposed drying and processing building will include one (1) ADA-compliant restroom, including a working flush toilet as well as a sink with hot and cold running water. Anti-bacterial Liquid Soap and



paper hand towels will be made available. Employees will work at a distance typically no greater than 750 feet from the restroom facility.

#### 2.7.5. ON SITE HOUSING

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

### 2.8. SECURITY PLAN AND HOURS OF OPERATION

#### 2.8.1. FACILITY SECURITY

An entry gate is located off Hwy 36 and at the north perimeter of the property. The entry gates remain locked at all times and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. The cultivation and processing facility area will have low intensity exterior lighting to illuminate the entrances, and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras will be installed at the main access gates and at entrances to the facilities, and the proposed processing facility will include an alarm system.

#### 2.8.2. HOURS OF OPERATION

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

## 3. ENVIRONMENT

### 3.1. WATER SOURCE AND PROJECTED WATER USE

Water for domestic and cultivation uses are provided by the two (2) points of diversions. A proposed rainwater catchment pond will provided the future source and storage to meet the irrigation needs of the site. Dos Rios Ranch, LLC utilizes water management strategies to conserve and reuse onsite water Refer to section 2.4 for a summary of irrigation practices, and Appendix C for the monthly irrigation schedule.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	16,320	18,360	20,700	24,480	24,480	20,400	18,260	0	0

### 3.2. WATER STORAGE

The table below outlines the existing and proposed water storage on the parcel. Dos Rios Ranch has an existing water storage capacity of 42,800 gallons. As part of the Water Resource Protection Plan the 20,000 gallons of water bladder storage will be removed once the proposed pond is constructed. Dos Rios Ranch is proposing a rainwater catchment pond that will be an estimated 300,000 gallons. With the proposed storage, Dos Rios Ranch is estimated to meet a 150-day forbearance period.

Table 3.2: List of Current and Proposed Water Storage Vessels on Site.

Type	Quantity (Gallons)	Number	Total Storage (Gallons)
Plastic Tank	300	1	300
Plastic Tank	2,500	1	2,500
Plastic Tank	5,000	4	20,000
Water Bladder	20,000	1	20,000
<b>Total Storage</b>	---	<b>7</b>	<b>42,800</b>
Proposed Rainwater pond	≈ 300,000	1	≈300,000
<b>Total Proposed Storage</b>			<b>312,800</b>

### 3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Dos Rios Ranch, LLC is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage (WDID Number 1B16253CHUM), and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. The drainage and erosion control measures described below are referenced from the WRPP in Appendix E.

#### 3.3.1. SITE DRAINAGE AND RUNOFF

Site investigation for the development of the Water Resources Protection Plan (WRPP) showed no evidence of surface runoff with associated with the cultivation. Moreover, the cultivation structures are located approximately 350 feet from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone. The site drains west to the confluence of the Van Duzen River and the Little Van Duzen River. Mild to steep slopes of rolling meadows and dense hardwood forest intermixed with oak and other species.

#### 3.3.2. EROSION CONTROL

The Water Resource Protection Plan (WRPP) includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. The WRPP also includes corrective actions to reduce sediment delivery, including: outsloping and rocking the main roads, adding water bars to the jeep trail, seed and straw to bare surfaces for stabilization, and jute matting where perched soil has the potential to erode. Additionally, the WRPP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. See the WRPP section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* in Appendix E for complete BMP recommendations and specifications.

### 3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Water Resource Protection Plan (WRPP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are >350 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a



licensed contractor in accordance with approved grading permits and the WRPP. Refer to the WRPP in Appendix E for detailed descriptions of watershed and habitat protection measures.

### 3.5. MONITORING AND REPORTING

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

Onsite monitoring shall occur:

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

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

### 3.6. ENERGY AND GENERATOR USE

Dos Rios Ranch will obtain a permit from the Humboldt County Building Department for the proposed cultivation facility. This permit will also include a power drop from Pacific Gas and Electric. Due to the remote location, it will be necessary for Dos Rios Ranch, LLC to employ the use of a generator for back up power and until the site electricity. Dos Rios Ranch, LLC will limit the use of the generator to an as needed basis following all guidelines set up by Humboldt County and the State of California. The site has on large generator that is used for the residence. It is located in a contained shed with concrete floors. The gasoline tank is located outside of the shed and has secondary containment for spill prevention. A generator is also used to power the fans and lights at the greenhouse.

### 3.7. USE AND STORAGE OF REGULATED PRODUCTS

#### 3.7.1. BEST MANAGEMENT PRACTICES

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

### 3.7.2. FERTILIZERS

Nutrients and biological inoculants used for cultivation include:

- Anasazi Gold
- Dyna Grow Pro Tekt
- Grean Bicycles Happy Ending Tea Mix
- Peruvian Gold Bloom Rush
- Peruvian Gold Head Start

See Appendix B - *Regulated Products Resource List* for product details.

### 3.7.3. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Central Coast Gardens "Green Cleaner"
- Green Cure

See Appendix B - *Regulated Products Resource List* for product details.

## 3.8. WASTE MANAGEMENT PLAN

### 3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling will be kept and stored at the proposed building for drying and storing. The containers will be situated on a concrete pad to prevent storm water contamination and leachate from entering or percolating to receiving waters. The trash containers are enclosed within a fenced area to prevent animal intrusion. Solid waste and recycling is hauled off-site to the Humboldt Waste Management Authority transfer station at least once per week.

Vegetation matter such as branches and leaves will be composted and cast on the surrounding hillslope of the cultivation site (see WRPP map in Appendix E). The root balls will be burned in the winter during the appropriate burn days recommended by the local fire department. Soil will be covered and sediment control BMPs installed to prevent transport of nutrients to the stream system via overland flow

### 3.8.2. WASTEWATER MANAGEMENT

The water management plan aims to irrigate at agronomic rates, using drip emitters. Refer to section 2.4 for a summary of irrigation practices. No evidence of water movement and erosion in the cultivation area was observed during the site assessment. Dos Rios Ranch, LLC will apply amendments and fertilizers per label specifications.

## 4. PRODUCT MANAGEMENT

### 4.1. PRODUCT TESTING AND LABELING

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

### 4.2. PRODUCT INVENTORY AND TRACKING

Until such time as either a County or Statewide cannabis product and inventory tracking system becomes available, an internally-developed system of inventory and tracking is utilized. The Agent in Charge and Lead Cultivator ensure all medical cannabis from clone to packaged product is tracked,



accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

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

#### **4.3. TRANSPORTATION AND DISTRIBUTION**

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

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

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

## **Appendix A: Site Plan**



## **Appendix C: Cultivation Activities Schedule**

Cultivation Activities Schedule  
Dos Rios Ranch, LLC

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization (storage of pots/greenhouse covers)	X X X										X X	X X X X
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc)			X X						X X			
	Road maintenance			X X						X X			
	Culvert and inboard ditch maintenance/inspection		X								X		X
	Cover soil beds and seed/straw with cover crop										X X	X X X	
Irrigation Activities	Irrigation of juvenile plants /clones	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X				
	Irrigation of flowering plants		X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X	
Pre-cultivation Activities	Propagate cuttings from 'mother plant' stock	X X X X	X X X X	X X X									
	Transplant cuttings into 4" pots	X X X	X X X X	X X X X									
	Transplant clones into 5 gallon pots or beds	X X	X X X X	X X X X	X X X								
	Amend soil in greenhouses	X X X X											X X
	Import new cultivation soil												
Mixed Light/ Light Dep Cultivation and Harvest Schedule	Mixed Light/ Light Dep Cycle 1		X X X	X X X X	X								
	Mixed Light/ Light Dep Cycle 2				X	X X X X	X X X						
	Mixed Light/ Light Dep Cycle 3							X X X	X X X X	X			
	Mixed Light/ Light Dep Cycle 4									X X	X X X X	X X	
	Harvest activities				X X		X X			X X		X X	
	Vegetative Phase: 15 hrs. min. of mixed natural and artifical light	X X			X X		X X			X			
Outdoor Cultivation and Harvest Schedule	Outdoor Cultivation Cycle/Light Dep Cycle 1				X X X	X X X X							
	Outdoor Cultivation Cycle/Light Dep Cycle 2						X X X	X X X X	X				
	Outdoor Cultivation Cycle/Light Dep Cycle								X	X X X X	X X X		
	Harvest activities					X X			X X		X X		
Drying and Processing	Drying activities				X X		X X X	X X	X X X	X X	X	X X X X	X
	Trimming activities				X X		X X X	X X X X	X X X	X X		X X X X	X
Staffing Presence	Agent in Charge	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X
	Lead Cultivator	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X
	Assistant Cultivator/ Processing Manager	X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X X	X X X	X X X X	X X X X	X
	Seasonal Laborors (x5)				X X X	X	X X X X	X X X X	X X X X	X X		X X X X	X



## **Appendix D: References**

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

California Code of Regulations. Health and Safety Code Section 11357-11362.9.

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

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. [http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](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.

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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](http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf)>

OPERATIONS MANUAL  
DOS RIOS RANCH, LLC

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## ATTACHMENT 5

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Land Use Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached, with recommendations incorporated into Attachment 1
Calfire	✓	No Comment	Attached
Department of Fish & Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Further Study	Attached, Study completed, On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	Attached, Study completed, On file with Planning
RWQCB		No Response	
CA Division of Water Rights		No Response	
Humboldt County Sheriff	✓	Other comments	On file
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Fortuna Union high School District		No response	
Bridgeville Elementary School District		No response	





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

**PROJECT REFERRAL TO: Health and Human Services Environmental  
Health Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Fortuna Union High School District, Bridgeville Elementary School District

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**Applicant Name** Dos Rios Ranch, LLC **Key Parcel Number** 210-191-024-000

**Application (APPS#)** 11510 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-272

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

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

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

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

**Return Response No Later Than** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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**We have reviewed the above application and recommend the following:**

Conditional Approval

**Comments:**

**New Cultivation/Processing Operation- No testing on record**

DEH recommends approval with the following conditions:

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

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

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

RM

12/4/18

- This is a cannabis project that is proposing to ag-exempt greenhouses, a rain-catchment por and an F-1 commercial processing building.
- Revise plot plan to show accurate number of greenhouses with dimensions, nursery greenhouses as propagation greenhouses, the wetland area with setbacks from those area, and ensure that the plan of operation is up to date.
- The project is close to the flood zone but not within it
- The applicant proposes to put a switchback type road down to cultivation/processing area
- Soils report required due to slope and amount of soil moved

**check spelling**

**Attachment**  **Photos**  
**(s) :**



**Photos**



**Photos**



**Photos**



**Photos**



**Photos**



Status:

[History](#)

## PRE-SITE

### Project Started

☒ Yes ☐ No

### AOB Inspection

☐ Yes ☒ No

### Soil Required Due to

### Project is in flood zone A

☐ Yes ☒ No

### 2nd Flood Certificate Required

☐ Yes ☒ No

### SRA requirements apply

☒ Yes ☐ No

### SRA water storage requirements apply

☒ Yes ☐ No

### Grading permit required

☒ Yes ☐ No

### Erosion and sediment control measures required

### Lot created prior to 1992

☐ Yes ☒ No

### Incomplete Submittal Construction Plan

☒ Yes ☐ No

 [Standard Comment](#)

### Plans Stamped by Licensed Prof Required

☒ Yes ☐ No

### Soil Report Required

☒ Yes ☐ No

### FIRM panel number

(Text)

### Flood elevation certificate required

☐ Yes ☒ No

### Project appears to be within wet area

### Appr.SRA req. need to be shown on plot plan

☒ Yes ☐ No

### Driveway slope appears to be

### Submit engineered foundation for

### Applicant must locate property lines

☒ Yes ☐ No

### Plot plan incomplete, must be revised

☒ Yes ☐ No

### Other concerns exist

☒ Yes ☐ No





California Department of Fish and Wildlife  
CEQA Referral Checklist

Applicant: Dos Rio Ranch		Date: 08/20/2018	
APPS No.: 11510	APN: 210-191-024	CDFW CEQA: 2017-0681	Case No.: CUP16-272
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 2,880	<input checked="" type="checkbox"/> Outdoor (SF): 16,120 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

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

The Project site plan map is inconsistent with the Project Description. In addition, the site plan map appears to have misclassified one or more streams located on the parcel and subsequently the appropriate Streamside Management Area (SMA) setbacks. CDFW requests a revised site plan map that indicates the correct stream class and designated SMA setback as well as the correct cultivation size and location.

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

- ☒ Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.

**Please note the following information:**

- ☒ A Final Lake or Streambed Alteration Agreement (1600-2016-0581) has been issued to the applicant. As of August 2018, the reporting requirements in the Agreement have not been met. CDFW requests, prior to project approval, that the applicant provide all requested reporting information, pursuant to the Agreement, to the Department.
- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, is inconsistent with the project referral. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV).
- ☒ CDFW recommends that the location and method of cultivation be consistent with what existed prior to January 1, 2016. Modification of cultivation method from full-sun outdoor to greenhouse cultivation may likely result in an increase in noise and light disturbing activities that have the potential to significantly affect fish and wildlife resources.

- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ The referral materials state that there is a plan to construct a rainwater catchment pond onsite. CDFW requests:
  - CDFW requests, that the pond be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016.
  - That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood).
  - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
  - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Steelhead Trout (*O. mykiss*), Coastal rainbow trout (*O. mykiss irideus*), Pacific Lamprey (*Entosphenus tridentatus*), Prickly Sculpin (*Cottus asper ssp. 1*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

Please confirm that you have received this email.

Sincerely,

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



**EXHIBIT A.****BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0681-R1****GENERAL BULLFROG INFORMATION**

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to be prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

**MONITORING**

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night\* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

\*Day time monitoring can also be conducted to aid detection but is not required under this plan.

**SUCCESS CRITERIA**

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going

efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

## MANAGEMENT METHODS

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by email at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

### Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

### Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.



### **Pond Dewatering**

In order to prevent and/or control infestations, annual pond dewatering shall be implemented, under the condition that the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

### **REPORTING**

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

### **APPENDIX A. BULLFROG REFERENCE PHOTOS**



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).





The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.