



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: August 1, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Starbrite Farm, Special Permit**
Application Number 11790
Case Numbers SP-16-310
Assessor's Parcel Number (APN) 314-321-025
1000 Foss Road, Kneeland Area

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Please contact Misael Ramos, Planner, at 707-445-7541 or by email at mramos1@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 1, 2019	Special Permit	Misael Ramos

Project Description: Starbrite Farm is seeking a Special Permit for an existing 10,000 square-foot outdoor cannabis cultivation operation (6,500 square feet in greenhouses and 3,500 square feet full-sun outdoor), two ancillary 500-square-foot nursery structures. The applicant projects one to two cultivation cycles per year. The applicant estimates that 85,900 gallons of water are required annually for irrigation (8.6 gallons per square foot). Irrigation water is sourced from a permitted well and rainwater catchment to cannabis via hand watering and drip emitters. Water is currently stored in tanks and bladders totaling 91,000 gallons. Applicant is transitioning to hard storage only. Processing, including drying and trimming, will take place at a licensed, off-site facility. Power is provided by a generator for 3 hours per day or 90 hours monthly from April to November until power can be acquired from PG&E for more sustainable energy use.

Project Location: The project is located in the Kneeland area, on the South side of Foss Road, approximately 0.6 miles Northwest from the intersection of Tim Mullen Road and Foss Road, on the property known as 1000 Foss Road.

Present Plan Land Use Designations: Agriculture Grazing (AG), Density: 20-160 acres per dwelling unit.

Present Zoning: Unclassified (U).

Application Number: 11790

Case Number: SP-16-310

Assessor Parcel Number: 314-321-025

Applicant

Starbrite Farm
Attn: Julius Marks
PO Box 641
Bayside, CA 95524

Owner

Julius Marks
PO Box 641
Bayside, CA 95524

Agent

None

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

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

Major Issues: None.

STARBRITE FARM
Case Number SP-16-310
Assessor's Parcel Number 314-321-025

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Starbrite Farm project subject to the recommended conditions.

Executive Summary: Starbrite Farm, LLC is seeking approval of a Special Permit for an existing 10,000 square-foot outdoor cannabis cultivation operation (6,500 square feet in greenhouses and 3,500 square feet full-sun outdoor), two ancillary 500-square-foot nursery structures. The applicant projects one to two cultivation cycles per year. The applicant estimates that 85,900 gallons of water are required annually for irrigation (8.6 gallons per square foot). Irrigation water is sourced from a permitted well and rainwater catchment to cannabis via hand watering and drip emitters. Water is stored in tanks and bladders totaling 91,000 gallons. Applicant is transitioning to hard storage only. Processing, including drying and trimming, will take place at a licensed, off-site facility. Power is provided by a generator for 3 hours per day or 90 hours monthly from April to November until power can be acquired from PG&E for more sustainable energy use. The present zoning is Undefined (U).

85,900 gallons of water are required for the operation (8.6 gallons/square foot). Water for irrigation is sourced from a permitted well that belongs to the Tim Mullen Road Mutual Water Company (Water Company), which is owned and operated by the owners of the properties it serves. The water company provides a 500 gallon per day allotment to the served properties delivered to a 3,000-gallon tank. As described in the water company's offering circular, this tank simultaneously serves as residential supply and to provide minimum volumes for fire suppression. 172 days are required to forbear the water required for cultivation. 182 days are required to forbear the current storage capacity. To replace all bladders, the applicant proposes installing a 50,000-gallon rainwater catchment system to supplement the irrigation water source. Water storage currently consists of four 15,000-gallon water bladders, one 20,000-gallon bladder and three 2,500-gallon tanks and one 3,000-gallon tank. The applicant proposes replacing the water bladders with a 50,000-gallon rain catchment tank.

Access is taken from Foss Road, a private road, which intersects county-maintained Tim Mullen Road which intersects county-maintained Barry's Road which intersects county-maintained Kneeland Road. The department of Public Works, Land Use Division has conditioned that the intersection of Foss Road be paved where it intersects with Tim Mullen Road for width of 20 feet and a length of 50 feet. In addition to improvements to the access road, the applicant is required to implement the improvements recommended by the associated Road Evaluation Report (RER) prepared for Starbrite Farm.

The subject property is located in the vicinity of potential Northern Spotted Owl (NSO) habitat. Fifteen historic NSO observations have been recorded within 1.3 miles of the cultivation area (between approximately .14 mi and 1.26 mi, the nearest of which is on-site). The nearest NSO activity center is located approximately .64 miles from the cultivation area with a second at 1.05 miles. The project has been conditioned to require mitigation measures related to potential impacts to biological resources including submittal of a light and noise attenuation plan prior to use of generators, artificial light, and/or fans, construction of noise containment structures, shielding artificial light sources per International Dark Sky Standards, refraining from using synthetic netting, and ensuring refuse is contained in wildlife proof storage.

On July 18, 2019, a gentleman claiming to be the applicant's neighbor brought in a document titled, Bylaws of the Tim Mullen Road Mutual Water Company (Bylaws). The gentleman said that the Bylaws were the most current update of the modus operandi of the Water Company, dated March 2, 2019. He claimed that the Bylaws showed that the applicant did not have the right to use Water Company infrastructure to cultivate under Section 2.7 therein. After staff review of this language, it was determined that the applicant does have a right to use Water Company infrastructure to cultivate. Under Section 2.7, the Bylaws state that: "No irrigation, agricultural use, or stock watering shall be allowed unless one of the following requirements can be met: a) Such usage does not exceed the maximum usage described above (500 gal. daily or less subject to changing environmental conditions); or b) The water company's board of directors establishes higher daily allowances based upon proven volumes of water produced by the system; or c) The member develops an independent source of water in accordance with covenants, conditions and restrictions of record." The applicant proposed to comply with requirements a) and c) before submission of the Bylaws. Since only one requirement must be met, the applicant has a right to use Water Company infrastructure for this project.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 3 for more information).

Recommendation: Based on the evidence in the record, staff recommends that the Zoning Administrator approve the application subject to the recommended conditions.

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 19-

**Case Number SP-16-310
Assessor's Parcel Number: 314-321-025**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Starbrite Farm Special Permit request.

WHEREAS, Starbrite Farm submitted an application and evidence in support of approving the Special Permit to permit an existing 10,000 square foot outdoor commercial cannabis cultivation site, 1,000 square feet of ancillary nursery, and appurtenant processing activities; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP 16-310); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on August 1, 2019.

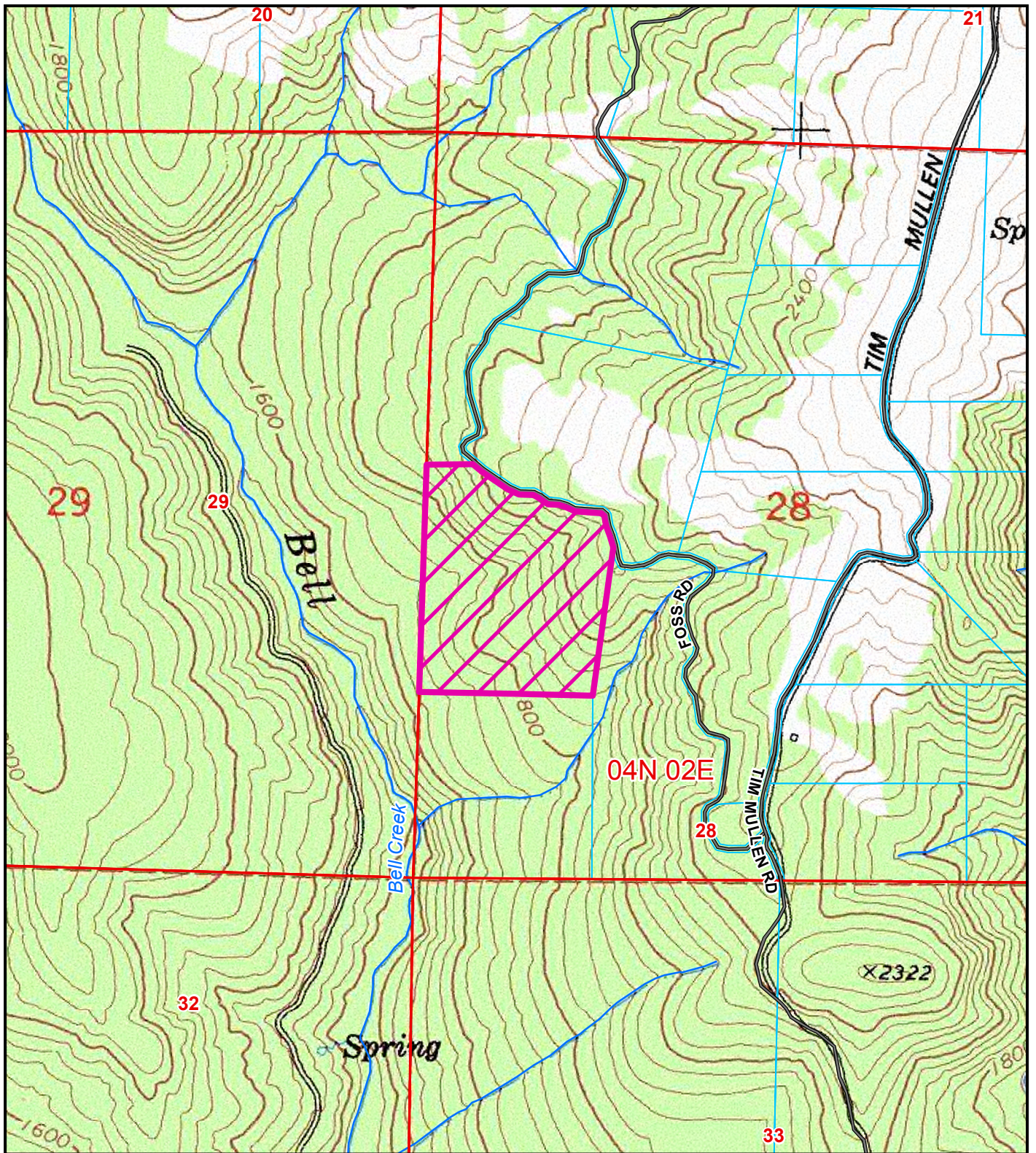
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes the findings in Attachment 2 of the Planning Division staff report for approval of Case Number SP-16-310 based on the submitted substantial evidence; and
3. Special Permit Case Number SP-16-310 (Application Number 11790) is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on August 1, 2019.

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

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

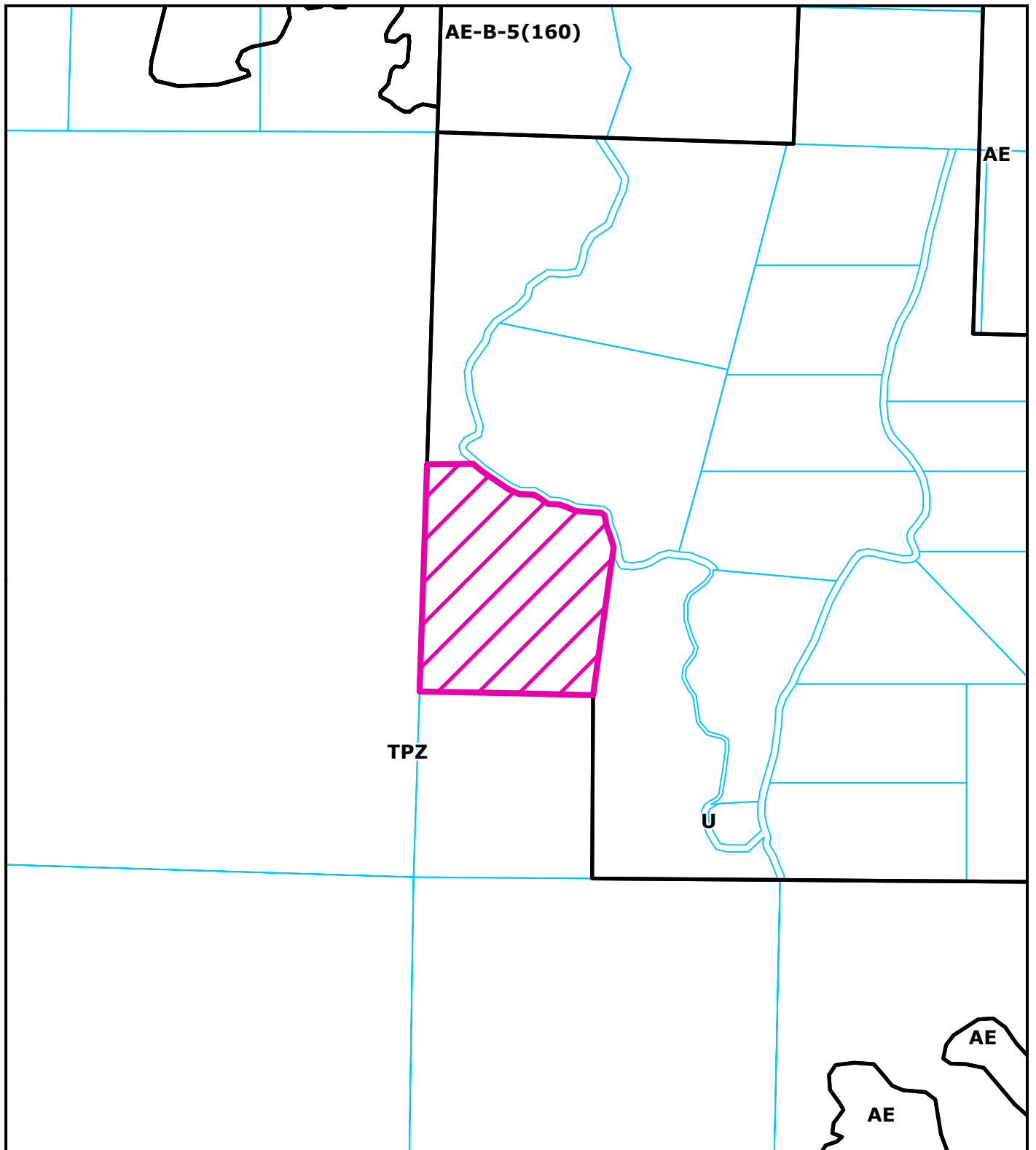


Project Area = 

**TOPO MAP
PROPOSED STARBRITE FARM
KNEELAND AREA
SP-16-310
APN: 314-321-025-000
T04N R02E S28 HB&M (IAQUA BUTTES)**

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.

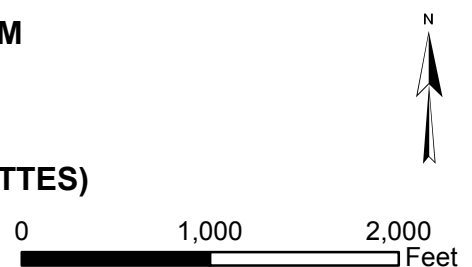
0 1,000 2,000 Feet

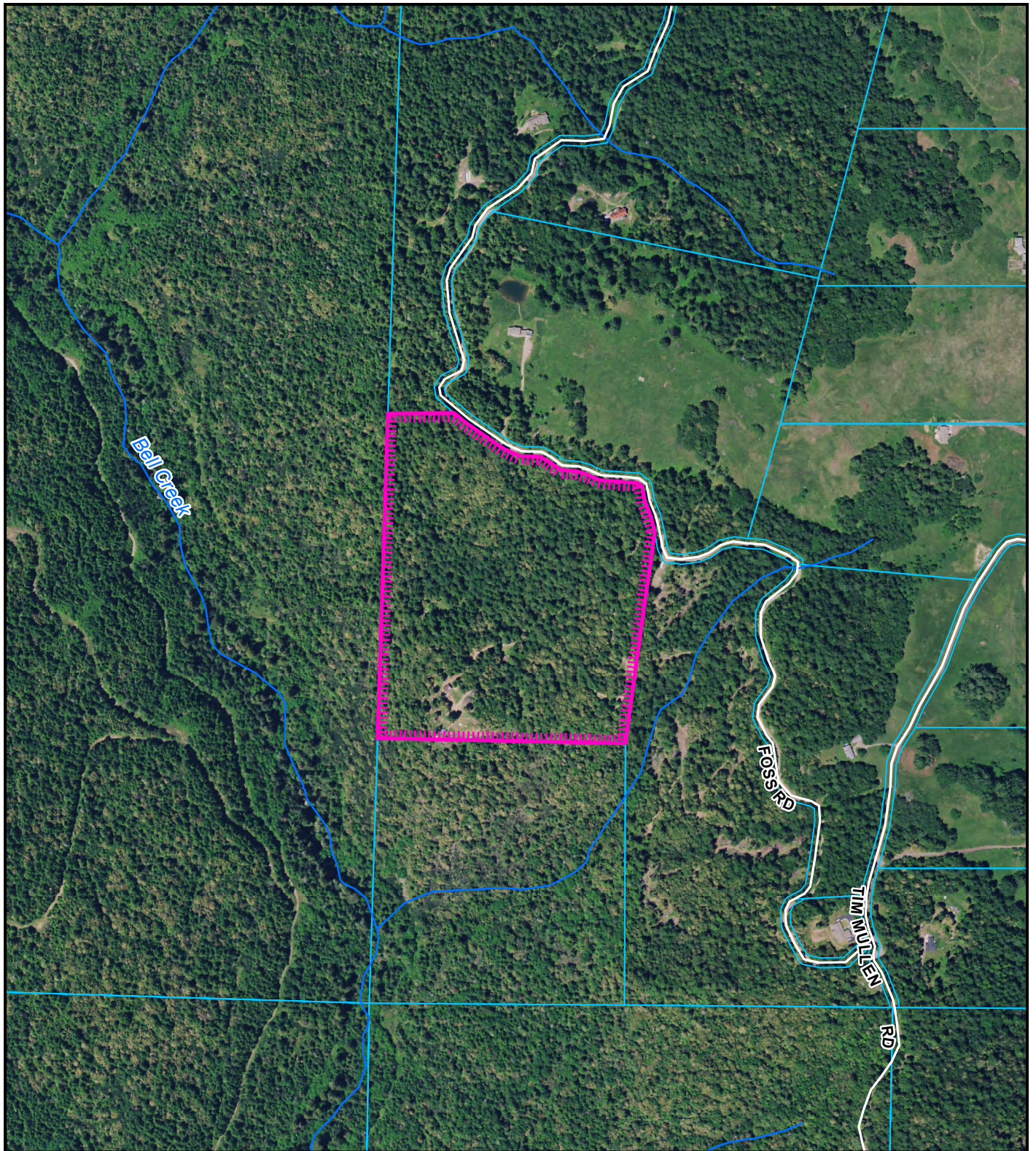


Project Area = 

ZONING MAP
PROPOSED STARBRITE FARM
KNEELAND AREA
SP-16-310
APN: 314-321-025-000
T04N R02E S28 HB&M (IAQUA BUTTES)

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





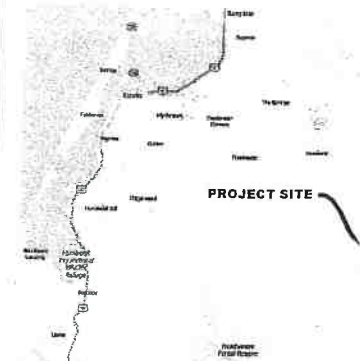
Project Area = 

**AERIAL MAP
PROPOSED STARBRITE FARM
KNEELAND AREA
SP-16-310
APN: 314-321-025-000
T04N R02E S28 HB&M (IAQUA BUTTES)**

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.

0 900 1,800 Feet





VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION

APPLICANT:
Julius Marks, P.O. Box 641
BAYSIDE, CA 95524

PROPERTY OWNER:
REDWOOD FARM HEALTH SANCTUARY, LLC
PO BOX 641
BAYSIDE, CA 95524

OWNERS AGENT:
Julius Marks

SITE ADDRESS:
APN: 314-321-025
1000 FOSS ROAD,
KNEELAND, CA 95549

TREES TO BE REMOVED = NONE
EARTHWORK QUANTITIES = TBD
WATER = PRIVATE
SEWER = PRIVATE
PARCEL SIZE = ±45.50 ACRES
ZONING: = U (UNCLASSIFIED)
GENERAL PLAN DESIGNATION = AG (FRWK)
SRA AREA = YES

BUILDING SETBACKS:

	U	SRA
FRONT	20'	30'
SIDE	5'	30'
REAR	10'	30'

MAX. BLDG. HT. = NONE SPECIFIED
IN COASTAL ZONE = NO
IN 100 YR FLOOD ZONE = NO

EXISTING OUTDOOR CULTIVATION AREA = 10,000 SQ. FT

SHEET INDEX

CO - PLOT PLAN, VICINITY MAP, & PROJECT NOTES
C1- AREA 1 MAP

DIRECTIONS TO SITE

FROM EUREKA, CA
-TURN RIGHT ONTO MYRTLE AVENUE
-TURN RIGHT ONTO FRESHWATER ROAD
-TURN LEFT ONTO FRESHWATER RD/KNEELAND RD
-KEEP RIGHT TO CONTINUE ON BARRY ROAD
Left onto Tim Mullen Rd,
Right onto Foss Rd.
1000 Foss Rd.

PROJECT DESCRIPTION

Starbrite Farm IS PROPOSING TO PERMIT EXISTING/PROPOSED MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE PROPOSED/EXISTING OPERATION INCLUDES APPROXIMATELY 10,000 SQUARE FEET (SF) OF OUTDOOR MEDICAL CANNABIS CULTIVATION. THE PROJECT PROPOSAL INCLUDES

GENERAL NOTES

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- 2.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED MANUFACTURING FACILITY/DISTRIBUTION FACILITY/CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE ZONING CLEARANCE CERTIFICATE/SPECIAL PERMIT/CONDITIONAL USE PERMIT.

NCRWQCB ORDER NUMBER R1-2015-0023

THE SUBJECT PARCEL HAS BEEN ENROLLED IN THE NCRWQCB CANNABIS CULTIVATION WASTE DISCHARGE REGULATORY PROGRAM.

PLOT PLAN

22x34 SHEET: 1"=100'
11x17 SHEET: 1"=200'

0 50 100 200

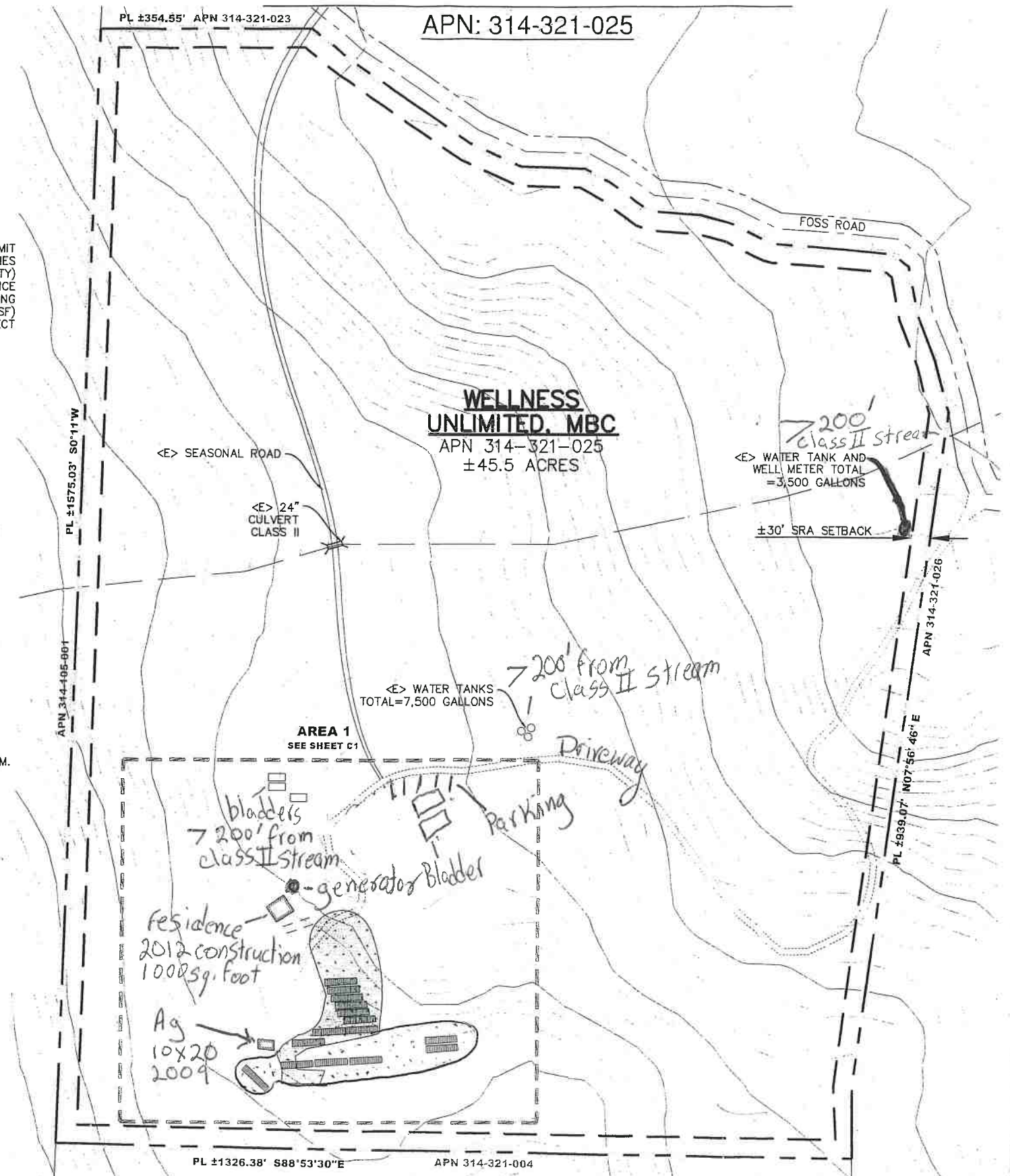
KEY

EXISTING OUTDOOR CULTIVATION AREA



SPECIAL PERMIT APPLICATION

APN: 314-321-025



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. Prior to the use of artificial light and/or fans, submit a light and noise attenuation plan developed in consultation with the Planning Department and California Department of Fish and Wildlife. The light and noise attenuation plan shall be submitted no later than 30-days following the execution of the final permit. The applicant shall adhere to the approved plan for the life of the project.
3. Prior to any ground disturbance including any grading or construction or placement of the nursery structure, a biological survey report prepared by a qualified biologist must be completed to identify any special status species. If botanical special status species are found in the area where ground disturbance is proposed, work cannot proceed in that area.
4. Artificial light used for cannabis cultivation operations shall be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. CDFW further requests, that security lighting be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. Construction of structures is not permitted during the breeding season for Northern Spotted Owl (February 1 to July 9).
5. The applicant shall submit a Notification of Lake or Streambed Alteration (1602 document) for all previously unpermitted projects. Within 60 days of the effective date of project approval, the applicant shall submit a copy of this 1602 document to the planning department, or a letter from a qualified professional indicating that no other projects are occurring on the parcel that would be subject to such an agreement
6. 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 #7-17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
7. The applicant shall construct noise containment structures for all generators and fans on parcel in order to ensure that noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer.
8. 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.

9. The applicant shall submit a grading and erosion control plan for all graded areas on the parcel not previously permitted. The plan shall identify the cubic yards of all grading that has been done and any proposed grading. The Building Inspection Division shall determine if the proximity of a "High Instability" area requires the completion of an R2 soils report.
10. The applicant shall implement the following actions recommended by the Department of Public Works – Land Use Division (a letter or similar communication from the Department of Public Works Land Use Division verifying that the recommendations have been completed will satisfy these conditions):
 - a. Foss Road which serves as access for the proposed project which is connected to Tim Mullen Road, a county-maintained road, shall be improved to current standards for a commercial driveway. Foss Road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with Tim Mullen Road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way
 - b. All driveways and private road intersections shall be maintained in accordance with County Sight Visibility Ordinance.
11. 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 their requirements have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis general Order adopted October 17, 2017 by the State Water Board.]
12. The applicant shall comply with all applicable terms of the final Lake and Streambed Alteration Agreement (LSAA 1600-2016-0494-R1) approved by the California Department of Fish and Wildlife or any future LSAAs.
13. The applicant shall remove all water bladders used for irrigation of cannabis from the parcel and replace with alternative water storage infrastructure located within the footprint of the existing water bladders.
14. The applicant shall contact the local fire service provider (Kneeland Fire Protection District) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
15. The applicant shall demonstrate conformance with Humboldt County Code § 3111-1 et seq, the Fire Safe Regulations. The applicant is responsible for implementing any necessary improvements to bring the property into compliance and submit photos demonstrating compliance.
16. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

18. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
19. 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.
20. A Notice of Determination (NOD) will be prepared and filed for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

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

1. All processing will occur off-site, unless the permit is Modified to include on-site processing. Until an approved On-site Waste Water Treatment System (OWTS) is installed, the applicant must submit an invoice or equivalent documentation to the Department of Environmental Health confirming the presence of portable toilets to serve the needs of cultivation staff. These needs shall be submitted each year prior to the reissuance of the annual permit.
2. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. The use of any erosion control and/or cultivation materials that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting is prohibited. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. If any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. Should the applicant propose any construction or grading, sites shall achieve compliance with NCAQMD fugitive dust emission standards.
8. 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.

9. Participate in and bear the costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
10. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
11. 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).
12. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights.
13. 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).
14. 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.
15. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
16. Maintain vegetation within 100 feet of all structures per CalFIRE defensible space standards.
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. The noise produced by a generator used for cannabis propagation, 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.

22. 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.
23. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MAUCRSA, 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 Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
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 SP 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 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. 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.

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

Informational Notes:

1. Pursuant to section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #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 Condition of Approval #26 and 27 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.

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 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.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the 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>Agriculture Grazing (AG): This designation applies to dry-land grazing areas in relatively small land holdings. Varying densities are reflective of land capabilities and/or compatibility issues. General agriculture and agriculture and timber products processing are allowed uses.</p> <p>Density range is 20-160 acres/ dwelling unit</p>	<p>The project includes 10,000 square feet (sf) of existing commercial cannabis cultivation, as well as 1,000 sf of ancillary nursery, and an appurtenant processing facility. These uses are considered agricultural uses that are consistent with the AG land use designation.</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-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is from a private driveway directly off Foss Road, a private road. Applicant produced a Road Evaluation Report for Foss Road on March 1, 2019. Their analysis concluded that the roadway is developed to an equivalent of a road category 4 standard.</p> <p>The Public Works Department required improvements to the Foss Road as a condition of approval. The improvements will involve pavement of Foss Road at its intersection with Tim Mullen Road to conform current standards for commercial driveways.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>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.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>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 if consistent with the general plan and zoning designations. The property currently contains a residence which will remain. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The project can be found consistent with the Open Space Plan Element because the proposed project is consistent with the allowable uses of the AG Land Use Designation. 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.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The subject property is located in the vicinity of Northern Spotted Owl (NSO) habitat. Fifteen historic NSO observations have been recorded within 1.3 miles of the cultivation area (at approximately 0.14 to 1.26 miles away). The nearest NSO activity center is located approximately .64 miles from the cultivation area. The project has been conditioned to require measures related to potential impacts to biological resources including submittal of a light and noise attenuation plan prior to use of artificial light and/or fans, construction of noise containment structures, shielding artificial light sources per International Dark Sky Standards, refraining from using synthetic netting, and ensuring refuse is contained in wildlife proof storage.</p> <p>Potential sensitive plant species exist on the site. The project is conditioned to complete a floristic survey prior to any ground disturbing activities on site. The proposed 1,000 square-foot nursery structure will not be constructed until the floristic survey is completed, and the area is determined to not contain sensitive species.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The project was referred to the Northwest Information Center (NWIC) as well as local Native American tribes in July of 2018. The NWIC indicated that a previous cultural resource study has been completed that includes all or parts of the proposed project area, and recommended consulting with the local Native American tribe(s). The Cultural Resources Representative for the Bear River Band of the Rohnerville Rancheria Council indicated that the tribe has no objection to the project. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</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-G2x)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves outdoor cultivation and an ancillary propagation nursery with supplemental lighting. The CMMLUO requires that mixed light cultivation 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-SX, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The applicant is required to implement the aforementioned light shielding as part of the recommended 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>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-P8. Erosion and Sediment Discharge; WR-P36. Erosion and Sediment Control Measures.</p>	<p>The applicant utilizes drip irrigation methods at agronomic rates to minimize the potential impact to surface and groundwater flows. 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. The applicant prepared a WRPP. The WRPP addresses the 12 Standard Conditions established by the Order. No corrective measures were identified.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G11)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The applicant will provide ADA compliant rented portable toilets when cultivation staff are on-site. The Department of Health and Human Services - Environmental Health Division received a project referral and recommended approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<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>Potential sources of noise impacts include ventilation fans, equipment used for processing, backup generators, etc. The applicant indicates that, when in use, the generators will be located away from the property line to ensure the noise level does not exceed 50 decibels at the property line. As a condition of approval, the applicant is required to construct noise containment structures for all generators and fans on parcel in order to ensure that noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. The applicant is also required to submit a light and noise attenuation plan prior to use of artificial light and/or fans to ensure site-specific mitigation measures are in place. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service.</p>
Safety Element Chapter 14 Geologic & Seismic	<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-P71. Site Suitability, S-P6. Structural Hazards</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. A portion of the parcel is potentially a "High Instability" area, as designated on the Humboldt County WebGIS layers. Any proposed grading or structures will be required to meet the Uniform Building Code. The Building Division will determine if an R-2 soils report is required.</p>
Safety Element Chapter 14 Flooding	<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-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-PX3, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 15 miles distance from the coast and approximately 2,000 feet above mean sea level, is outside the areas subject to tsunami run-up.</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>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The subject property has a Very High Fire Hazard Severity Rating and is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 311-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant is proposing to designate a fire turn-around and pull-out area for emergency vehicles, maintain a 100 foot defensible space around structures, and meet the 30 foot SRA setback requirement for structures. The site meets minimum water volume requirements for fire suppression. These actions have been made conditions of approval.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the project required the applicant to contact the local fire service provider (Kneeland Fire Protection District) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</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-G2X) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>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 and the project has been conditioned accordingly.</p> <p>Sources of greenhouse gas emissions may include vehicle trips to the site and use of a generator. The applicant states that an estimated four (4) employees are needed at peak operational periods. Applicant will advise carpooling. The Honda EU3000iS generator is CARB compliant and will operate for no more than 90 hours per month. The quantity of greenhouse gas emissions generated from the project is expected to be less than significant.</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.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	Parcel legally created through Record of Survey completed in June 1968, Lot 15, 45.5 acres. Recorded in Book 24 of Surveys, page 145. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-8.1 Unclassified (U)	All of the unincorporated area of the County not otherwise zoned is designated as the Unclassified or U Zone. This area has not been sufficiently studied to justify precise zoning classifications. Residential and General Agriculture are principally permitted uses.	The project is for the cultivation of commercial outdoor cannabis, and appurtenant nursery and processing facility. Commercial cannabis cultivation is recognized under State law as an agricultural product. Although State law specifies it as an agricultural use and general agricultural uses are principally permitted in the U zone, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis for medical and adult use is a regulated specialty crop and the cultivation of that specialty crop is not a principal permitted use, however, the Humboldt County CMMLUO Ordinance #2559 specifies U as an allowed zone for cannabis cultivation. Based on the referenced principally permitted use and the above, a finding of consistency with the U zoning district can be made for the project.
Minimum Lot Area:	6,000 Square Feet (~0.13 acre)	45.50 acres
Minimum Lot Width:	50 feet	Approximately 1,300 feet wide
Maximum Lot Depth:	Three times the width, ~3,900 feet	Approximately 1,600 feet
Max. Lot Coverage:	40%	Less than 1 acre of coverage (less than 5% of lot)
U Min. Yard Setbacks (SRA requirements):	Front: 20 feet Rear: 10 feet Side: 5 feet SRA setbacks of 30 feet from all sides.	Front (south): >100 feet Rear (north): >1300 Side (east): 300 feet Side (west): 500 feet
Max. Building Height:	None specified	20 feet

Zoning Section	Summary of Applicable Requirement	Evidence
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	As shown on the Site Plan, all cannabis cultivation would occur outside of the SMA.
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	The applicant states that the maximum number of people working on the site would be four. The applicant has submitted a revised site plan that delineates the location of the required number of parking spaces.

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned U, with no parcel size limitation. 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.	Timber conversion has occurred on the parcel in areas now being used in part for cannabis cultivation. The applicant has submitted a Conversion Report. The report describes the site as being well managed, with gentle slopes and minimal fuels. The applicant has been advised about 150' fire hazard reduction around on-site permitted structures. The purpose of the conversion of timbered area is agriculture and homesteading, subject to the Forest Practice Act. CalFIRE responded to a referral request by indicating that they did not have any comments on the cannabis project at this time.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district U on parcels one acre or larger, but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.	The applicant has provided evidence of the existing outdoor cultivation areas prior to January 1, 2016 to the County which was confirmed by staff through the Cultivation Area Verification (CAV) process for issuance of the interim permit. The proposed project includes permitting 10,000 square feet of existing outdoor cultivation on a parcel zoned U. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and they are entitled to four. This application is for a single permit for cultivation.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	The applicant proposes processing at a licensed off-site facility.
§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.	The original applicant submitted the required registration form on December 7, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.

§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.	Irrigation water is sourced from the Tim Mullen Road Mutual Water Company. The applicant proposes to use no more water than the Water Company's daily allotment and is installing a 50,000-gallon rainwater catchment system to supplement the irrigation water. These actions will bring the applicant into compliance with the Bylaws of the Water Company. The applicant has also submitted a copy of a Streambed Alteration Agreement generated by the California Department of Fish and Wildlife for culvert replacement. As an ongoing condition of approval, the applicant would implement the mitigation measures required by the Streambed Alteration Agreement, and maintain sufficient water storage to meet the forbearance requirements of the ordinance.
§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 Site Plan shows the project would comply with the property line setback requirement. County records indicate that there are no parks, schools, bus stops, tribal cultural resources, or places of religious worship within 600 feet of the cultivation site.
§314-55.4.11.0 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 will be a single generator. The on-site generator is a Honda EU3000iS which produces 50 to 57dB. Use is limited to powering the ancillary nursery facility to extend daylight hours into the evening and for one week in late October and powering a processing facility during curing. The generator complies with all noise-related standards set up by Humboldt County and the State of California. The generator is located at least 300 feet away from the nearest property line and the project is conditioned to ensure the noise level of the generator and any noise creating equipment (such as fans) do not exceed 50 decibels at a 100 feet or edge of habitat. Therefore, the project conforms to the referenced standard.

§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 7, 2016.
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4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The 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 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.

California Environmental Quality Act §15164	Addendum to an EIR or Negative Declaration.	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, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cannabis cultivation operation with associated processing facility, on-site relocation to an area that is environmentally superior, as well as permitting two existing points of diversion. The environmental document on file include detailed discussions of all the relevant environmental issues.
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ATTACHMENT 3

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

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

**APN 314-321-025, 1000 Foss Road,
Kneeland, County of Humboldt**

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

July 2019

Background

Modified Project Description and Project History –

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

The modified project involves a Special Permit for 10,000 square feet of existing outdoor medical cannabis cultivation and appurtenant nursery and processing facility. Water for irrigation is sourced from a well operated by the Tim Mullen Road Mutual Water Company. The applicant proposes installing a rainwater catchment system to supplement the irrigation rate. The applicant estimates that 85,900 gallons of water are needed annually for irrigation (8.6 gallons per square foot per year). Water storage currently consists of four 15,000-gallon water bladders, one 20,000-gallon bladder three 2,500-gallon tanks and one 3,000-gallon tank. The applicant proposes replacing the water bladders with a 50,000-gallon rain catchment tank. Processing, including drying and trimming, occurs at a licensed off-site processing facility, depending on the business considerations of the applicant. The applicant states that up to four employees are needed for operations. Electricity is sourced from a generator.

The project site contains watercourses and riparian habitat; however, all related non-irrigation project elements are located outside of the required setbacks established by the County Streamside Management Area Ordinance. The California Natural Diversity Database indicates that there are several mapped sensitive species that exist on, or in the immediate vicinity of, the subject property. Records also indicate that the nearest recorded activity center for Northern Spotted Owl exists within approximately .64 miles of the project site, but the requirements of the permit (development and adherence to a light and noise mitigation plan, shielding of artificial light sources, construction of noise containment structures for generators and fans, etc.) are expected to allow the project to operate below the thresholds that could cause disturbance of the species.

The site has been analyzed for cultural resources as part of the cultural resource element of a 2000 Non-Industrial Timber Management Plan (NTMP: 1-00NTMP-052 HUM) and determined to not have sensitive cultural or archaeological resources that could be impacted from on-going cultivation. Additionally, the Bear River Band of the Rohnerville Rancheria indicated that they had no evidence there were cultural resources on the site and inadvertent discovery language has been conditioned.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a

subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
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 an existing 10,000 square foot commercial cannabis operation and appurtenant facilities, and to construct improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Installation of a rainwater catchment system and additional storage tanks will decrease reliance upon the Tim Mullen Road Mutual Water Company's wells. The proposed construction of noise containment structures for all cultivation equipment (e.g. generators, fans, dehumidifiers etc.) will decrease impacts to sensitive species as a result of noise, and survey by a professional biologist prior to any ground disturbing activities will ensure conservation of sensitive species. Additionally, all supplemental lighting must adhere to Dark-Sky Association standards further decreasing impacts to crepuscular and nocturnal wildlife. All of these measures were applied through the original MND.

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

- Final Streambed Alteration Agreement (1600-2019-0207-R1) prepared by the California Department of Fish and Wildlife.
- Water Resources Protection Plan for the subject parcel, prepared by the applicant, August 2017.
- Timberland Conversion Report. No comment from the California Department of Forestry & Fire Protection.
- Site Plan and Operations Plan for Starbrite Farm prepared by Manhard Consulting, August 2017 with hand written edits.
- Project Referral Comments from the California Department of Fish and Wildlife dated May 10, 2019.

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. (Applicant is sole manager of RFHS, LLC, the owner.) (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 ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Prepared by Manhard Consulting, with hand-written edits, received April, 2019) **(Attached with project maps)**
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; 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. (Prepared by Manhard Consulting with hand-written edits, received April 29, 2019 - Attached) **(Attachment 4.a and 4.b)**
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. (Included in Cultivation and Operations Plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Notification on file)
9. Road Evaluation Report dated March 1, 2019. (On file)
10. 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)
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. 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)
13. Initial Biological Scoping Report prepared by Hohman & Associates, dated May 13, 2019. (On file)

**WELLNESS UNLIMITED, MBC
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**PROPOSED MEDICAL CANNABIS
CULTIVATION FACILITIES**

PREPARED FOR:



August, 2017

**Cultivation and Operations Manual
For
Wellness Unlimited, MBC**

**Proposed Medical Cannabis Cultivation Facilities
Application #11790
APN:314-321-025**

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:
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In Consultation with:

Wellness Unlimited, MBC
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August 2017

OPERATIONS MANUAL
WELLNESS UNLIMITED, MBC

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Appendix A: Site Plan

Appendix B: Regulated Products Resource List

Appendix C: Cultivation Activities Schedule

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Wellness Unlimited, MBC is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Special Permit for 10,000 square feet (sf) of outdoor cannabis cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located at parcel number APN 314-321-025 south west of the community of Kneeland at latitude of 40.6989 and longitude of -123.9669. The subject parcel is approximately 45 acres in size (per the County of Humboldt's WebGIS). The parcel is on a ridge at an elevation at 2,000 feet and drains to the west. The site has a rugged landscape that host dense hardwood forest. The site is proposed to include the 10,000 square feet of existing outdoor cultivation and proposed 1,000 square feet of nursery.

1.3. LAND USE

The subject property has a General Plan designation of Agricultural General as identified by the Humboldt County General Plan and is zoned Unclassified (U). The surrounding parcels are zoned Unclassified (U), Agricultural General (AG) and Timber Production Zone (TPZ).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Wellness Unlimited, MBC 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

Water is provided from the membership of Tim Mullen Road Mutual Water Company. The water is sourced from a permitted well through the Humboldt County Division of Environmental Health for domestic and cultivation uses.

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Wellness Unlimited, MBC 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 Pending). A Water Resources Protection Plan is in the process of being developed.

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 Special Permit

1.4.5. CAL FIRE

The parcel is a part of a Nonindustrial Timber Management Plan 1-00NTMP-052 Hum. 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.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The site is a western facing slope with a class II watercourse that is a tributary to Bell Creek. The 24" stream crossing was installed with a 1603 agreement as part of the NTMP. There are zero points of diversion on this site. No in-stream work or work within wetland areas is currently proposed as part of the project.

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

The proposed 1,000 square feet of nursery will allow Wellness Unlimited, MBC to propagate clones from mother plants or purchase already rooted clones from a permitted nursery location. Initial planting of clones will occur in 3" square pots to 1 gallon containers. Plants are kept in the proposed nursery. The juvenile plants are irrigated using hand watering methods. After 3-5 weeks, the plants are then transplanted to the greenhouses or the outdoor smart pots.

2.2. MIXED LIGHT CULTIVATION PLAN AND SCHEDULE

No mixed light is a part of this Special permit.

2.3. OUTDOOR CULTIVATION PLAN AND SCHEDULE

The 10,000 square feet of outdoor cultivation will occur in a combination of greenhouses and outdoor smart pots. Juvenile plants are transplanted from the proposed nursery into the greenhouse or the 100 to 200-gallon smart pots. Full season plants will be use wire cages or trellising to support the plants stock and branches. The thirteen (13) 10'x50' greenhouses consist of metal framing, covered with a woven poly translucent opaque tarp. The greenhouses utilize light deprivation to produce up to three (3) flowering cycles per year. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the outdoor cultivation operation for a typical one cycle year.

2.4. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using a combination of top-feed hand watering methods and drip emitters. Juvenile plants will be hand watered as needed. Wellness Unlimited, MBC maintains that irrigation and fertigation is more efficiently managed via hand watering, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual juvenile plant. Once plants are transplanted into the greenhouses or smart parts a pumped watering system is used. Tubing is running the length of the beds with drip emitters placed at the base of the plant. Each emitter delivers the right amount of water directly to the base of the plants. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation.

2.5. HARVESTING, DRYING, AND TRIMMING

When a plant is ready for harvest the agent in charge will make the determination of whether the plant will be harvested for producing a flowered product (trimmed flowers/buds), or if the plant will be completely used for manufacturing oils at a licensed manufacturer.

Plants that are harvested to produce the flowered product will have their flowering branches removed and suspended in the drying and curing room in the existing building which is equipped with ventilation fans. The drying process will take approximately one to two weeks. When dry, harvest employees take the dried product down and place them in storage bins. The storage containers allow safe transportation to the licensed processing center where hand trimmed product will be produced.

Plants that are being harvested to produce manufactured oil will be separated into branches and immediately placed in a large freezer and flash frozen. Plants will be frozen and transported to a licensed manufacturing center. The manufacturing center will process the frozen plant into oils.

2.6. PROCESSING FACILITY

All cannabis processing will occur off site with a licensed off-site processing facility and/or sell bulk cannabis to medical cannabis manufacturer.

2.7. EMPLOYEE PLAN

Wellness Unlimited, MBC 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. 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 part-time to full-time, seasonal 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 part-time to 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, Lead Cultivator, and Assistant Cultivator positions*, up to one (1) part-time 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 four (4) employees on site.

2.7.3. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting, and drying or freezing, 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; and correct harvesting 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. 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 residence includes a restroom, including a working flush toilet as well as a sink with hot and cold running water. During the rest of the year, there will be a peak of average of 4 employees. Anti-bacterial Liquid Soap and paper hand towels will be made available. If employees work at a distance typically no greater than 1200 feet from the restroom facility.

2.7.5. ON SITE HOUSING

A residence is in the south west corner of the property near the cultivation site and was permitted 2012. The unit would provide housing for the agent in charge during the growing season. All other full-time are seasonal employees will live off site and commute daily to the cultivation site.

2.8. SECURITY PLAN AND HOURS OF OPERATION

2.8.1. FACILITY SECURITY

The main access road has a gate that is locked at all times. Restricted access signs are posted conspicuously at the entry gates along with security cameras on the property. All processing will be taken off site to a secured 3rd party facility.

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 5pm.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

Water for domestic and cultivation uses are provided by the permitted well through the Tim Mullen Road Mutual Water Company and a rain harvest system off the residence. The well is metered and is allowed 500 gallons a day as per the water company. Wellness Unlimited, MBC utilizes water management strategies to conserve and reuse onsite water and fertilizers to achieve net zero discharge. 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. Estimated total water use for irrigation= 85,900 gallons

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	500	1,000	7,200	7,200	15,000	20,000	20,000	15,000	0	0

3.2. WATER STORAGE

Water catchment and well water is pumped to the holding tank and then dispersed across the parcel to the 79,500 gallons of water storage. The tanks and bladders are gravity fed or pumped to a mixing tank before being drip or hand watered.

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Wellness Unlimited, MBC is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) is being 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.

3.3.1. SITE DRAINAGE AND RUNOFF

Drainage and runoff is addressed by identifying areas of the roads that are in need of rolling dips, ditch relief culverts, and resurfacing of the road. These corrective actions are to reduce sediment delivery to prevent road drainage from entering the water system on the property.

3.3.2. EROSION CONTROL

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

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Water Resource Protection Plan (WRPP) will ensure that the watershed and surrounding habitat are protected. The cultivation activities and associated structures will be greater than 100 feet from any class I and II watercourse and 50 feet from a class III 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

Wellness Unlimited, MBC 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. A Honda 3,000-watt generator will be in operation from April to November for, lighting, general farm use, and the drying cannabis. Wellness Unlimited, MBC will be applying for an power drop from Pacific Gas and Electric or develop a more sustainable energy use. Generators will be stored inside the garage. Secondary containment and spill prevention kits will be implemented for all generators and fuel storage.

← NEED SPECS
on generator

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 the existing pole barn and will be 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). Spent soil is reused and amended each year. 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.

Nutrients and biological inoculants used for cultivation and quantity kept on site:

- Stutzman Chicken Manure

- Azomite Micronutrients
- Archipelago Bat Guano
- Steamed Bone Meal

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

3.7.2. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Azamax

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

3.7.3. FUELS AND OILS

Fuels and oils stored on site include:

- Gasoline- Five-5-gallon containers

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling containers are located at the residence. The containers are situated to prevent storm water contamination and leachate from entering or percolating to receiving waters. Garbage is hauled off at a weekly basis to the Humboldt Waste Authority transfer station.

3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation related waste such as large branches, leaves, and roots shall be appropriately stored and composted or burned in a designated area where the residues will not migrate into surface waters. Burning shall be conducted during designated burn days as recommended by the local fire department. Used soils shall be appropriately stored and stabilized with sediment control best management practices that prevent their migration to surface water.

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 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 B: Regulated Products Resource List

Appendix C: Cultivation Activities Schedule

Unlimited Wellness, MBC
Cultivation Operations Schedule

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		
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc)										X X		
	Road maintenance				X X					X X			
	Culvert and inboard ditch maintenance/inspection		X								X		X
	Cultivation waste hauled off site N/A												
Irrigation Activities	Cover soil beds and seed/straw with cover crop										X X X X		
	Irrigation of juvenile plants /clones		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		
	Propagate cuttings from 'mother plant' stock		X X			X X		X X					
	Transplant cuttings into 4" pots.			X X		X X		X X					
Pre-cultivation Activities	Transplant clones into 1-gallon pots or beds			X X		X X			X X				
	Amend soil			X X X									
	Import new cultivation soil												
	Light Dep Cycle 1				X X X X X X X								
	Light Dep Cycle 2						X X X X X X X						
Light Dep Cultivation and Harvest Schedule	Light Dep Cycle 3							X X X X X X X	X X	X X X X X X	X X X		
	Harvest activities						X X		X X		X X		
	Vegetative Phase: 15 hrs. natural and artificial light				X		X		X				
	Light deprivation: Greenhouses are covered with blackout covers				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				
	Outdoor Cultivation Cycle					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		
Drying and Processing	Harvest activities										X X X X		
	Drying activities						X X		X X		X X		
	Trimming/ Processing activities- OFF SITE												
	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 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 X X		
Staffing Presence	Assistant 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		
	Seasonal Laborers						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.

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<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

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

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

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.

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

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.

<http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>

SITE PLAN AND 15 COPIES

*Unlimited Wellness, MBC- Special Permit
Manhard Consulting*

Starbrite farm (formerly Wellness Unlimited)

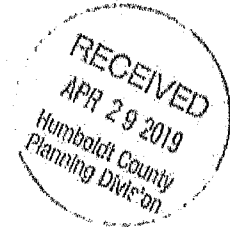
Cultivation Activities Schedule addendum to Operations Plan appendix C:

*Schedule of projected generator use

September, October ,November

*Quantity and specs for generators used

qunatity 1-Honda 3000 EU . 49dB



Operations Manual Revisions - Starbrite Farm(formerly wellness unlimited)

Generator noise and use. The generator on site is a Honda 3000eu. its maximum sound/decibal level is 50db at 1/4 load and 57db at max load. See specification sheet. This low noise unit will ensure that sound levels will be kept at under 60db and complies with HCC 314-55.4.11(o). It is estimated generator use will be 3 hours a day or 90 hours a month. There is no freezer associated with this project. Nursery use is two hours a day when applicable. During drying , generator use will be 20 hours a day for one week.

Water storage at this time is sufficient and includes transition to hard sideds water tanks for future water storage. Larger water tanks are being researched at this time also the possibility of a water catchment pond is being analyzed.

Locations for water storage tanks will replace bladder locations.

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
Division Environmental Health	✓	Approval	Attached
Humboldt County Sheriff		No Response	
Public Works, Land Use Division	✓	Conditional Approval	Attached
Building Inspection Division	✓	Approval	Attached
Kneeland School District	✓	Comments Received	Attached
CalFIRE	✓	No Specific Comments	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	No Objection – inadvertent discovery protocol	On file and confidential
Humboldt County Agricultural Commissioner	No response		
Humboldt County Counsel	No response		
Humboldt County District Attorney	No response		
Kneeland Volunteer Fire Protection District	No response		
North Coast Unified Air Quality Management District	No response		
Wiyot Tribe	No response		
State Water Resources Control Board – Division of Water Rights	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, Wiyot Tribe, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Water Resources Control Board, Division of Water Rights, Humboldt County Sheriff, Kneeland School District, Kneeland Fire Protection District, Eureka Unified School District

Applicant Name Wellness Unlimited MBC Key Parcel Number 314-321-025-000

Application (APPS#) 11790 Assigned Planner Zsafia Odry (707) 268-3727 Case Number(s) SP16-310

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

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

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

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

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

We have reviewed the above application and recommend the following:

Approval

Comments:

Response Date: 12/3/2018 Recommendation By: Benjamin Dolf



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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

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

ADMINISTRATION

445-7491

BUSINESS

445-7652

ENGINEERING

445-7377

FACILITY MAINTENANCE

445-7493

NATURAL RESOURCES

445-7741

NATURAL RESOURCES PLANNING

267-9540

PARKS

445-7651

ROADS & EQUIPMENT MAINTENANCE

445-7421

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Supervising Planner, Planning & Building Department

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

DATE: 10-02-2018

RE:

Applicant Name	WELLNESS UNLIMITED MRC
APN	314-321-025
APPS#	11790
CASE#	SP16-310

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11790

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //

Exhibit "D"

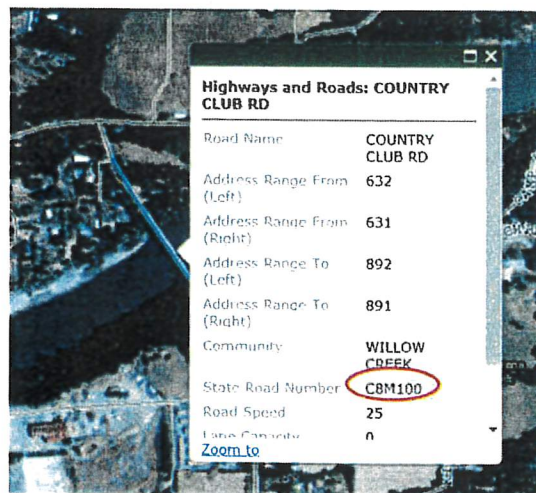
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD

A3M020 Murray Road

F6B165 Alderpoint Road

6C040 Thomas Road

Exhibit "D"

Road Evaluation Reports

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

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

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

Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.

"APPROVED LIST" List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Price Creek Road	3G075	Blue Slide Creek Rd to PM 2.0
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]

Exhibit "D"

Road Evaluation Reports

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Shelter Cove Road	C4A010	All
Showers Pass Road	6G010	PM 0.0 to PM 4.0 and PM 17.0 to PM 19.1
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
Price Creek Road	3G075	P.M. 2.0 to P.M. 3.45
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Showers Pass Road	6G0100	P.M. 4.0 to P.M. 17.0
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING

3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

5/22

5/8/2019

Julius 496-9475

Project Referred To The Following Agencies:

Environmental Health, PW Land Use, Kneeland School District, Building Inspections, County Counsel, Cal Fish & Wildlife, Bear River Band, Wiyot Tribe, RWQCB, NCUAQMD, District Attorney, AG Commissioner, CA Division of Water Rights, Sheriff, Kneeland FPD, Eureka Unified School District, CalFire, NWIC

Applicant Name Starbrite Farm Key Parcel Number 314-321-025-000

Application (APPS#) PLN-11790-SP Historic Planning Assigned Planner Misael Ramos

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

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

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

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

Return Response No Later Than: 5/23/2019

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

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

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

Other Comments:

DATE: 5/23/19 PRINT NAME: Ash-Lee Moore



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



7/12/2018

PROJECT REFERRAL TO: Kneeland School District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Wiyot Tribe, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Water Resources Control Board, Division of Water Rights, Humboldt County Sheriff, Kneeland School District, Kneeland Fire Protection District, Eureka Unified School District

Applicant Name Wellness Unlimited MBC **Key Parcel Number** 314-321-025-000

Application (APPS#) 11790 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-310

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.

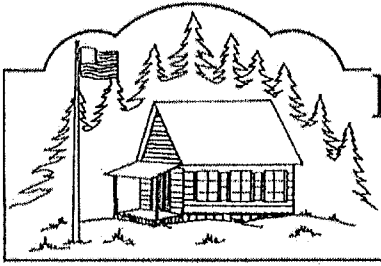
Return Response No Later Than 7/27/2018 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

DATE: 9/10/2018

PRINT NAME: Kneeland School



Kneeland School District,

9313 Kneeland Road • Kneeland, California 95549

Date 9/10/2018

Via U.S. Mail

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA. 95501

Re: APPS# 11790 Case number SP16-30

To Whom This Concerns,

Kneeland School District ("District") desires to promote a safe, drug-free environment for our students and staff. In our attempts to ensure a drug-free campus, we have adopted board policy 4020, "Drug and Alcohol-Free Workplace," and board policy 5131.6, "Alcohol and Other Drugs." These policies are maintained and strictly enforced. Kneeland School District does not condone any illegal activity and endeavors to promote a safe and healthy lifestyle.

The proposal for approval of the above-referenced application raises concerns for the District. The proposed business, which may be legal in Humboldt County, is not legal on a federal level. As such, the District cannot "recommend" approval of a permit to engage in illegal activity without risking federal consequences, including, but not limited to, jeopardizing its federal funds.

The County Commissioner's Office letter asked for Kneeland School District's input on ____ Case number SP16-310_____, and for all of the above-stated reasons, the District cannot "recommend approval" of the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greta Turney', is written over a horizontal line.

Greta Turney, Superintendent
Kneeland School District

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

☒ The Department has no comment at this time.

☐ Suggested conditions attached.

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

☐ Recommend denial.

☐ Other comments.

Date:

Name:

Forester Comments: 7/2/19

Tim Meyers

AP#11790
APN 314-321-025

Date:

Name:

Battalion Chief Comments:

Summary:



California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Wellness Unlimited		Date: 5/10/19	
APPS No.: 11790	APN: 314-321-025-000	DFW CEQA No.: 2018-0290	Case No.: SP16-310
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF); 10,000		

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

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

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

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

- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 5,000 square feet. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- ☒ If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- ☒ If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- ☒ If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.
- ☒ The Project may have a potentially significant adverse effect on biological resources. The Project is located within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests that the applicant assume presence and avoid impacts, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft.

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

- ☒ Water for this Project is sourced from a groundwater well. It is estimated that water use may be as high as 79,500 gallons per year. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- ☒ 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.
- ☒ 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.
- ☒ 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 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 Coast Fawn Lily (*Erythronium revolutum*), Howell's Montia (*Montia howellii*), Maple-leaved Checkerbloom (*Sidalcea malachroides*), Siskiyou Checkerbloom (*Sidalcea malviflora ssp. patula*), Kneeland Prairie Pennycress (*Noccaea fendleri ssp. californica*), Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Sincerely,

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

Ramos, Misael

From: Ramos, Misael
Sent: Friday, June 7, 2019 11:37 AM
To: Manthorne, David@Wildlife
Cc: Schatz, Elizabeth
Subject: FW: Apps 11790 CDFFW Comment Response; CEQA 2018-0290; APN: 314-321-025
Attachments: 11790 Conversion Report 6.3.19.pdf; 11790 Biological Assessment 05.15.19.pdf

David,

Attached are the applicant's Timber Conversion Report and Biological Assessment.

We are working on clearing up the nature of their well/water right. What we know is that there is a 500 gal/day use limit leading me to believe that that's part of their need for storage or forbearance. They are aware of their need to remove/replace the bladders.

Thank you,



Misael Ramos C.

Planner

[Cannabis Services Division](#)

[Planning and Building Department](#)

Direct: 707.441.2633

Main: 707.445.7541

mramos1@co.humboldt.ca.us



Please consider your environmental responsibility before printing this e-mail.

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Monday, June 3, 2019 1:25 PM
To: Ramos, Misael <mramos1@co.humboldt.ca.us>
Cc: Schatz, Elizabeth <eschatz1@co.humboldt.ca.us>
Subject: RE: Apps 11790 CDFFW Comment Response; CEQA 2018-0290; APN: 314-321-025

Misael,

Thank you for the response. Please add language for a noise and light attenuation plan for this project, as they are located in close proximity to NSO and are now proposing nurseries. I am not aware of the instruction to replace the culvert, but that language could be added as well if you believe that would help them comply. I assume you will add some groundwater well language from the comment, though I see that they have water bladders, so I am confused about the need for these storage vessels with a functioning well. Is the well not producing, or are they storing surface water as well? Also, could we limit onsite construction activities outside the NSO breeding season (March 1 – July 10)? That would be good as they appear to be in prime habitat.

David Manthorne
Senior Environmental Scientist Specialist
Habitat Conservation and Planning (WET)
California Department of Fish and Wildlife

ATTACHMENT 5
REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

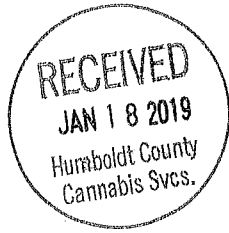
(See Attached)

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
Division Environmental Health	✓	Approval	Attached
Humboldt County Sheriff		No Response	
Public Works, Land Use Division	✓	Conditional Approval	Attached
Building Inspection Division	✓	Approval	Attached
Kneeland School District	✓	Comments Received	Attached
CalFIRE	✓	No Specific Comments	Attached
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	No Objection – inadvertent discovery protocol	On file and confidential
Humboldt County Agricultural Commissioner	No response		
Humboldt County Counsel	No response		
Humboldt County District Attorney	No response		
Kneeland Volunteer Fire Protection District	No response		
North Coast Unified Air Quality Management District	No response		
Wiyot Tribe	No response		
State Water Resources Control Board – Division of Water Rights	No response		

Attachment 6

Bylaws of the Tim Mullen Road Mutual Water Company



BYLAWS OF THE TIM MULLEN ROAD MUTUAL ROAD WATER COMPANY

Originally adopted 1993

Updated: March 2, 2019

BYLAWS OF THE
TIM MULLEN ROAD MUTUAL WATER COMPANY

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BYLAWS OF
TIM MULLEN ROAD MUTUAL WATER COMPANY

ARTICLE I
Name and Location

- 1.1 The name of the corporation is Tim Mullen Road Mutual Water Company hereinafter referred to as the "Company." The principal office of the Company shall be located at 1515 Tim Mullen Road, Kneeland, California 95549, or at such other place as the board of directors shall designate.

ARTICLE II
Members

- 2.1 Members: Members of the Company shall be limited to the owner or owners of lots 1 through 18 described on the Record of Survey for John M. Cooper and Jim M. Hercher on file in the office of the County of Humboldt in Book 24 of Surveys, pages 141 – 145 (the "subdivision"), and the owners of any other property to which the Company supplies water in the future through expansion of its water system as approved by members holding a majority of the total voting power.
- 2.2 Eligibility for Membership: All persons who become owners of lots as described in Section 2.1 of this Article II shall, by reason of such ownership become members of the Company and be issued one (1) membership certificate in the Company for each lot so owned. A member who owns more than one (1) lot shall have (1) membership and one (1) vote for each lot owned as provided in Section 3.6. No fractional membership, interests, or shares shall be issued by the Company.
- 2.3 Termination: As described in Article VII, the board of directors may suspend or expel a member after an appropriate hearing and by majority vote of those present at any regularly constituted meeting, and cancel the membership certificate of any member who becomes in default in the payment of assessments.
- 2.4 Resignation: Except on transfer of a lot, no member may resign or cancel his or her membership.
- 2.5 Reinstatement: Upon the written request signed by a former member and filed with the Secretary, the board of directors may reinstate such former member's share upon such terms as the board of directors deems appropriate.

- 2.6 Transfer of Memberships: ~~Upon the transfer of any lot the Seller's membership in the Company shall be transferred to the Buyer. The seller shall surrender the Seller's membership certificate to the Company at the time of transfer. Thereupon, a new membership certificate shall be issued by the Company to the Buyer. In the absence of such surrender of the certificate by the Seller, the Company shall nevertheless issue a new membership certificate to the Buyer upon being furnished with a copy of a duly recorded deed or other satisfactory evidence to establish the fact of transfer. (Amended, amendment: Effective date January 1, 2002~~

On resale or transfer of lot ownership a service fee equal to the service fee for first time buyers of \$100 per lot is to be paid by the new owner of the lot or lots. The seller will surrender the seller's membership certificate to the Company at the time of transfer or the buyer will furnish a copy of a duly recorded deed before a new membership certificate is provided. This transfer of certificate is to be completed within thirty days of close of escrow.

The buyer will assume the monthly fee of the seller in the month of the transfer. If the seller is delinquent in any monthly fees or other assessments, the water will be turned off until all outstanding bills are made current by either the seller or the buyer.

The seller is responsible for informing, in writing, the buyer of these terms prior to sale or transfer of ownership and informing, in writing, the Secretary-Treasurer of the Company of the transfer of ownership.

- 2.7 Rights and Liabilities: Each member of the Company shall be entitled to be furnished with domestic water from the Company's water system in accordance with the terms of these bylaws and the terms and conditions of the conveyance from James Hercher and Betty Hercher to the Company of their right, title, and interest to the water system. In order to conserve water for essential household purposes and to avoid an adverse impact upon adjacent water systems, usage of water developed and furnished by the Company's system shall be strictly limited to domestic, household uses not to exceed the lesser of an equal shares of water volumes actually produced by the water system or five hundred (500) gallons per household daily. No irrigation, agricultural use, or stock watering shall be allowed unless one of the following requirements can be met:

- a. Such usage does not exceed the maximum usage described above; or
- b. The Company's board of directors establishes higher daily allowances based upon proven volumes of water produced by the system; or
- c. The member develops an independent source of water in accordance with covenants, conditions and restrictions of record.

All members shall be responsible for payment of equal shares of the cost of operation of the Company's water system. The manner in which members shall be assessed for the costs of operation of the Company's water system are set forth in Article VII of these bylaws.

- 2.8 Member's Maintenance Responsibilities: ~~The Company shall maintain a water storage tank of at least 3000 gallons capacity upon the member's property. The developer will initially provide at their expense a 3000 gallon water storage tank on each parcel, except for any parcels that are combined under one owner, before sale. The owner of the property will assume ownership of the tank and ownership of all water lines distal to the water meter when issued his/her share in the Corporation. Ownership will include but not be limited to liability, replacement, repair, water testing, maintenance and all other responsibilities of ownership.~~ Each member shall maintain road access to the tank for fire suppression use, testing and general maintenance of the water system. The roads and a turn around area shall be constructed by each member in accordance with fire protection standards established by the California Department of Forestry and Fire Protection. These requirements must be met prior to the construction of other improvements on the property. (Amended, amendment effective date April, 2000).

Water produced by the Company's water system shall be delivered to the storage tank, and service shall be taken from the tank and not directly from the main water line. If it becomes necessary to install a water pump and pressure tank in order to provide adequate water pressure to a member's residence, the pump and pressure tank will be initially installed by the subdivision developer's at their expense. Thereafter, however, maintenance, repair, replacement and all other responsibilities of ownership will be the responsibility of the member.

- 2.9 Assignment: No membership certificate or any other interest in the Company may be assigned by any member except in connection with the sale or other transfer of a parcel to which the membership certificate is appurtenant.
- 2.10 Transfer Fee: At the time of transfer of a membership certificate in accordance with the bylaws, the transferee shall pay a transfer fee as determined by the board of directors. The fee shall be set in an amount sufficient to reimburse the Company for the administrative expenses involved in transferring the membership certificate.

ARTICLE III
Meeting of Members And Voting

3.1 Annual Meeting: The annual meeting of members shall be held at ~~5:00p.m.-6:00 p.m.~~ on the third ~~Monday~~ *Wednesday* of ~~March~~ *July*. At this meeting, directors shall be elected, and any other proper business within the power of the members may be transacted. (Amended, amendment effective date April, 2000).

3.2 Special Meetings: A special meeting of the members may be called at any time by the board of directors, or by the chairman of the board, or by the president or vice-president, or by one or more members holding membership certificates in the aggregate entitled to cast not less than ten percent of the votes at that meeting.

If a special meeting is called by any person or persons other than the board of directors, the request shall be in writing, specifying the time of such meeting and the general nature of the business proposed to be transacted, and shall be delivered personally or sent by registered mail or by telegraphic or other facsimile transmission to the chairman of the board, the president, any vice-president, or the secretary of the corporation. The officer receiving the request shall cause notice to be promptly given to the members entitled to vote, in accordance with the provisions of Section 3.3 of this Article III, that a meeting will be held at the time requested by the person or persons calling the meeting, not less than thirty-five (35) nor more than sixty (60) days after the receipt of the request. If the notice is not given within twenty (20) days after receipt of the request, the person or persons requesting the meeting may give the notice. Nothing contained in this Section 3.2 shall be construed as limiting, fixing, or affecting the time when a meeting of members, called by action of the board of directors may be held.

3.3 Notice and Place of Meetings:

- a. All notices of meetings of members shall be sent or otherwise given in accordance with subparagraph b. below of this Article III not less than ten (10) nor more than sixty (60) days before the date of the meeting. The notice shall specify the place, date and hour of the meeting and (i) in the case of a special meeting, the general nature of the business to be transacted, or (ii) in the case of the annual meeting, those matters which the board of directors, at the time of giving the notice, intends to present for action by the members. The notice of any meeting at which directors are to be elected shall include the name of any nominee or nominees whom, at the time of the notice, management intends to present for election.

If action is proposed to be taken at any meeting for approval of (i) a contract or transaction in which a director has a direct or indirect financial interest under Section 310 of the Corporations Code of California, (ii) an amendment of the articles of incorporation under Section 902 of that code, (iii) a reorganization of the corporation, under Section 1201 of that code, (iv) a

voluntary dissolution of the corporation under Section 1900 of that code, or (v) a distribution in dissolution, the notice shall also state the general nature of that proposal.

- b. Notice of any members' meeting shall be given either personally or by first class mail or telegraphic or other written communication, charges prepaid, addressed to the member at the address of that member appearing on the books of the Company or given by the member to the Company for the purpose of notice. If no such address appears on the Company's books or has not been so given, notice shall be deemed to have been given if sent to that member by first class mail or telegraphic or other written communication to the Company's principal executive office, or if published at least once in a newspaper of general circulation in the county where that office is located. Notice shall be deemed to have been given at the time when delivered personally, deposited in the mail, delivered to a common carrier for the transmission to the recipient, actually transmitted by electronic means to the recipient by the person giving the notice, or sent by other means of written communication.

If any notice addressed to a member at the address of that member appearing on the books of the Company is returned to the Company by the United States Postal Services marked to indicate that the United States Postal Service is unable to deliver the notice to the member at that address, all future notices or reports shall be deemed to have been duly given without further mailing if these shall be available to the member on written demand of the member at the principal executive office of the Company for a period of one year from the date of the giving of the notice.

An affidavit of mailing or other means of giving any notice of any members' meeting may be executed by the secretary, assistant secretary, or any transfer agent of the Company giving notice, and filed and maintained in the minute book of the Company.

- 3.4 Quorum: The presence in person or by proxy of the holders of a majority of the membership certificates entitled to vote at any meeting of members shall constitute a quorum for the transaction of business. The members present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum, if any action taken (other than adjournment) is approved by at least a majority of the members required to constitute a quorum.
- 3.5 Proxies: Every person entitled to vote for directors or on any other matter shall have the right to do so either in person or by one or more agents authorized by a written proxy signed by the person and filed with the secretary of the Company. A proxy shall be deemed signed if the member's name is placed on the proxy (whether by manual signature, typewriting, telegraphic transmission, or

otherwise) by the member or the member's attorney in fact. A validly executed proxy that does not state that it is irrevocable shall continue in full force and effect unless (i) revoked by the person executing it, before the vote pursuant to that proxy, by a writing delivered to the Company stating that the proxy is revoked, or by attendance at the meeting and voting in person by the person executing the proxy or by a subsequent proxy executed by the same person and presented at the meeting; or (ii) written notice of the death or incapacity of the maker of that proxy is received by the Company before the vote pursuant to that proxy is counted; provided, however, that no proxy shall be valid after the expiration of eleven (11) months from the date of the proxy, unless otherwise provided in the proxy. The revocability of a proxy shall be governed by the provisions of Sections 705(e) and 705 (f) of the Corporations Code of California.

- 3.6 Voting: The members entitled to vote at any meeting of members shall be determined in accordance with the provisions of Section 2.2 of Article II, subject to the provisions of Sections 702 to 704, inclusive, of the Corporations Code of California (relating to voting shares held by a fiduciary, in the name of a corporation, or in joint ownership). The members' votes may be by voice vote or by ballot; provided however, that any election of directors must be by ballot if demanded by any member before the voting has begun. If a quorum is present (or if a quorum had been present earlier at the meeting but some members had withdrawn) the affirmative vote of a majority of the members represented and voting, provided such members voting affirmatively also constitutes a majority of the number of members required for a quorum, shall be the act of the members, unless the vote of a greater number or voting by classes is required by California General Corporation Law or by the articles of incorporation.

- 3.7 Action Without Meeting: Any action which may be taken at any annual or special meeting of members may be taken without a meeting and without prior notice, if a consent in writing, setting forth the action so taken, is signed by the members having not less than the minimum number of votes that would be necessary to authorize or take that action at a meeting at which all shares entitled to vote on the action were present and voted.

Directors may be elected by written consent without a meeting only if the written consents of all members entitled to vote are obtained, except that a vacancy in the board (other than a vacancy created by removal of a director) not filled by the board may be filled by the written consent of the holders of a majority of the members entitled to vote.

All such consents shall be filed with the secretary of the Company and shall be maintained in the Company records. Any member giving a written consent, or the member's proxy holder, or a transferee of the shares or a personal representative of the member or their respective proxy holders, may revoke the consent by a writing received by the secretary of the Company before written consents of the

members required to authorize the proposed action have been filed with the secretary.

If the consents of all members entitled to vote have not been solicited in writing, and if the unanimous written consent of all such members shall not have been received, the secretary shall give prompt notice of the Company's action approved by the members without a meeting. This notice shall be given in the manner specified in Section 3.3. In the case of approval of (i) contracts or transactions in which a director has a direct or indirect financial interest under Section 310 of the Corporations Code of California, (ii) indemnification of agents of the corporation, under Section 317 of that code, (iii) a reorganization of the corporation, under Section 1201 of that code, or (iv) a distribution in dissolution, notice of such approval shall be given at least (10) days before the consummation of any action authorized by that approval.

ARTICLE IV

Board of Directors; Selection; Term of Office

- 4.1 Number and Qualification: The authorized number of directors shall be ~~three (3)~~ *five (5)* until changed by a duly adopted amendment to the articles of incorporation or by an amendment to this bylaw adopted by the vote or written consent of a majority of the outstanding members entitled to vote. (Amended, amendment effective date July, 2006).
- 4.2 Election and Term of Office: Directors shall be elected at each annual meeting of the members to hold office until the next annual meeting. Each director, including a director elected to fill a vacancy, shall hold office until the expiration of the term for which elected and until a successor has been elected and qualified.

No reduction of the authorized number of directors shall have the effect of removing any director before that director's term of office expires.

- 4.3 Vacancies: Removal: A vacancy or vacancies in the board of directors shall be deemed to exist in the event of the death, resignation, or removal of any director, or if the board of directors by resolution declares vacant the office of a director who has been declared of unsound mind by an order of court or convicted of a felony, or if the authorized number of directors is increased, or if the members fail at any meeting of members at which any director or directors are elected to select the number of directors to be voted for at that meeting

Any director may resign effective on giving written notice to the chairman of the board, the secretary, or the board of directors, unless the notice specifies a later time for that resignation to become effective. If the resignation of a director is effective at a future time, the board of directors may elect a successor to take office when the resignation becomes effective.

Vacancies in the board of directors may be filled by a majority of the remaining directors, whether or not less than a quorum, or by a sole remaining director, except that a vacancy created by the removal of a director by the vote or written consent of the members or by court order may be filled only by the vote of a majority of the members entitled to vote represented at a duly held meeting at which a quorum is present, or by the unanimous written consent of the holders of the membership certificates entitled to vote. The members may elect a director or directors at any time to fill any vacancy or vacancies not filled by the directors but any such election by written consent shall require the consent of a majority of the members entitled to vote, except that filling a vacancy created by removal of a director shall require the written consent of the holders of all outstanding membership certificates entitled to vote.

Each director so elected shall hold office until the next annual meeting of the members and until a successor has been elected and qualified.

4.4 Compensation: Directors shall receive no compensation for their services but shall be entitled to reimbursement by the company for all actual expenses incurred on behalf of the Company at the direction of the board of directors.

4.5 Indemnification of Officers and Directors:

a. To the fullest extent permitted by law, the Company shall indemnify its directors, officers, *volunteers*, and employees, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any "proceeding" as that term is used in Section 7237(a) of the California Corporations Code, and including an action by or in the right of the Company, by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this bylaw, shall have the same meaning as in Section 7237(a) of the California Corporations Code. (Amended, amendment effective date July 24, 2006)

b. On written request to the board by any person seeking indemnification under Section 7237(b) or Section 7237(c) of the California Corporations Code, the board shall promptly determine under Section 7237(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 7237(b) or Section 7237(c) has been met and, if so, the board shall authorize indemnification. If the board cannot authorize indemnification because the number of directors who are not parties to that proceeding with respect to which indemnification is sought prevents the formation of a quorum of directors who are not parties to that proceeding, the board shall promptly call a meeting of members. At that meeting, the members shall determine under Section 7237(e) whether the applicable standard of conduct set forth in

Section 7237(b) or Section 7237(c) has been met and, if so, the members present at the meeting in person or by proxy shall authorize indemnification.

- c. To the fullest extent permitted by law and except as otherwise determined by the board in a specific instance, expenses incurred by a person seeking indemnification under Sections 4.5a. and 4.5b. of these bylaws in defending any proceeding covered by those Sections shall be advanced by the Company before final disposition of the proceeding on receipt by the Company of an undertaking by or on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the Company for those expenses.

ARTICLE V

Nomination And Election Of Directors

- 5.1 Nomination: A nominating committee, composed of two members of the board of directors appointed by the president, shall nominate a slate of directors 30 days prior to the annual meeting.
- 5.2 Election: Directors shall be elected at each annual meeting of the members to hold office until the next annual meeting. Each director, including a director elected to fill a vacancy, shall hold office until the expiration of the term for which elected and until a successor has been elected and qualified.

No reduction of the authorized number of directors shall have the effect of removing any director before that director's term of office expires.

ARTICLE VI

Meetings Of Directors

- 6.1 Regular Meetings: Immediately following each annual meeting of members, the board of directors shall hold a regular meeting at the place that the annual meeting of members was held or at any other place that shall have been designated by the board of directors, for the purpose of organization, any desired election of officers, and the transaction of other business. Notice of this meeting shall not be required.

Other regular meetings of the board of directors shall be held without call at such time as shall from time to time be fixed by the board of directors. Such regular meetings may be held without notice.

- 6.2 Special Meetings: Special meetings of the board of directors for any purpose or purposes may be called at any time by the chairman of the board, any vice president, the secretary, or any two directors.

Notice of the time and place of special meetings shall be delivered personally or by telephone to each director or sent by first class mail or telegram, charges prepaid, addressed to each director at the director's address as it is shown on the records of the Company. In case the notice is mailed, it shall be deposited in the United States mail at least four (4) days before the time of meeting. In case the notice is delivered personally, or by telephone or telegram, it shall be delivered personally or by telephone or to the telegraph company at least forty-eight (48) hours before the time of the meeting. Any oral notice given personally or by telephone may be communicated either to the director or to a person at the office of the director whom the person giving the notice has reason to believe will promptly communicate it to the director. The notice need not specify the purpose of the meeting, nor need it specify the place if the meeting is to be held at the principal executive office of the Company.

6.3 Quorum: A majority of the authorized number of directors shall constitute a quorum for the transaction of business, except to adjourn as provided in Section 6.6. Every act or decision done or made by a majority of the directors present at meeting duly held at which a quorum is present shall be regarded as the act of the board of directors, subject to the provisions of Section 310 of the Corporations Code of California (as to approval of contracts or transactions in which a director has a direct or indirect material financial interest), Section 311 of that code (as to appointment of committees), and Section 317(e) of that code (as to indemnification of directors). A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for that meeting.

6.4 Place of Meetings and Telephone Meetings: Regular meetings of the board of directors may be held at any place within the State of California that has been designated from time to time by the board. In the absence of such a designation, regular meetings shall be held at the principal executive office of the Company. Special meetings of the board shall be held at any place within or outside the State of California that has been designated in the notice of the meeting or, if not stated in the notice or if there is no notice, at the principal executive office of the Company. Any meeting, regular or special, may be held by conference telephone or similar communication equipment, as long as all directors participating in the meeting can hear one another, and all such directors shall be deemed to be present in person at the meeting.

6.5 Waiver of Notice: The transactions of any meeting of the board of directors, however called and noticed or whenever held, shall be as valid as though had at a meeting duly held after regular call and notice if a quorum is present and if each director (a) has received notice of the meeting, (b) attends the meeting without protesting before or at the beginning of the meeting, the lack of notice to such director, or (c) before or after the meeting signs a waiver of notice, a consent to

holding the meeting, or an approval of the minutes of the meeting. Any such waivers, consents, and approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

- 6.6 Adjournment: A majority of the directors present, whether or not constituting a quorum, may adjourn any meeting to another time and place.
- 6.7 Notice of Adjourned Meeting: Notice of the time and place of holding an adjourned meeting need not be given, unless the meeting is adjourned for more than twenty-four hours, in which case notice of the time and place shall be given before the time of the adjourned meeting, in the manner specified in Section 6.2 to the directors who were not present at the time of the adjournment.
- 6.8 Action Without Meeting: Any action required or permitted to be taken by the board of directors may be taken without a meeting, if all members of the board shall individually or collectively consent in writing to that action. Such action by written consent shall have the same force and effect as a unanimous vote of the board of directors. Such written consent or consents shall be filed with the minutes of the proceedings of the board.

ARTICLE VII

Powers And Duties Of The Board Of Directors

- 7.1 Powers: Subject to the provisions of the California Non-Profit Mutual Benefit Corporation Law and any limitations in the articles of incorporation and these bylaws relating to action required to be approved by the members, the business and affairs of the Company shall be managed and all corporate powers shall be exercised by or under the direction of the board of directors.
- 7.2 Assessments: The board of directors shall, at least annually, levy assessments upon the members in amount sufficient to maintain and operate the Company's water system and to furnish water to the members. Assessments shall be levied equally upon all members. The Company shall install a water meter at the service connection on the member's parcel to enable the Company to determine that limitations on water usage imposed by these bylaws are not exceeded.
- 7.3 Rate Structure: The board of directors shall establish rates for water service sufficient to pay the assessments described in Section 7.2. Each person, upon becoming a member of the company, shall pay an initial fee of \$100.00 for each separate parcel owned by the member. The rate structure established by the board of directors shall be sufficient to accumulate and maintain a fund for the repair and replacement of the water system. All rates charged must bear a reasonable relation to the cost of furnishing water, *and unimproved lots must bear a proportionate share of the cost of repair and replacement of the system as well as*

a proportionate share of the cost of maintaining the repair and replacement fund.
(Amended, amendment effective date July 15, 2009)

7.4 Enforcement and Liens:

- a. In the event that any assessment or charge described in the Article shall be unpaid and not otherwise satisfied within ten (10) days after the same shall become due and payable, the same shall be and become delinquent and shall remain delinquent until the amount of such payment, together with all costs, penalties, and interest as herein provided shall be fully paid or otherwise satisfied.
- b. At any time after any assessment affecting any lot or parcel has become delinquent, the Company may file for record in the office of the Humboldt County Recorder, a notice of delinquency as to such lot, which notice shall state all amounts which have become delinquent with respect to such lot and the costs, including attorneys' fees, penalties and interest which have accrued thereon, the amount of any assessments relating to such lot which is due and payable, although not delinquent, a description of the lot in respect to which the delinquent payment or assessment is owed, and the name of the record or reputed owner of such lot. Such notice shall be signed by the board of directors. At any time after the filing of said notice the board of directors may suspend or terminate the owner's membership certificate as provided in Section 2.3 hereof. In the event the delinquent payment or assessment and all other assessments which have become due and payable with respect to the same lot, together with all costs, including attorneys' fees, penalties and interest which have accrued on such amounts, are fully paid or otherwise satisfied prior to the completion of any sale held to foreclose the lien provided for in this article, the Company shall record a further notice, similarly signed, stating the satisfaction and releasing such lien.
- c. Immediately upon recording of the notice of delinquency pursuant to the foregoing provisions of this article, the amounts delinquent, as well as any amounts then due and payable although not delinquent, as set forth in such notice, together with the costs, including attorneys' fees, penalties and interest accruing thereon, shall become a lien against the lot or parcel described in the notice. Said lien shall continue until all amounts secured thereby are fully paid or otherwise satisfied.
- d. Each lien established pursuant to the foregoing provisions of this article may be foreclosed as and in the same manner as the foreclosure of a mortgage upon real property under the laws of the State of California.
- e. Interest shall accrue at the rate of ~~ten percent (10%)~~ \$10 (ten dollars) per ~~annum~~ month with respect to all unpaid assessments from the date of delinquency thereof. Penalties for late payment, ~~not exceeding two percent~~

~~(2%) of the amount of the delinquent assessment,~~ may be established by action of the Company provided that written notice thereof is given to each owner. (Amended, amendment effective date March 22, 1999).

- f. Without limiting the foregoing, the Company shall also have the right to enforce payment of any assessment by utilizing the provisions of Section 845 of the California Civil Code.

- 7.5 Financial Statement: The Board of Directors shall annually distribute to each member fiscal year end financial statements reflecting the results of the Company's operations for the prior year. Such statements shall be distributed within one hundred and five (105) days of the close of the fiscal year.

ARTICLE VIII

Officers and Their Duties

- 8.1 Enumeration of Officers: The officers of the Company shall be a president, a secretary, and a chief financial officer. The Company may also have, at the discretion of the board of directors, a chairman of the board, one or more vice presidents, one or more assistant secretaries, one or more assistant treasurers, and such other officers as may be appointed in accordance with the provisions of Section 8.6. Any number of offices may be held by the same person.
- 8.2 Election of Officers: The officers of the Company, except such officers as may be appointed in accordance with the provisions of Section 8.5 or 8.6, shall be chosen by the board of directors, and each shall serve at the pleasure of the board, subject the rights, if any, of an officer under a contract of employment.
- 8.3 Term: The term of office shall be one year commencing upon the date of the annual meeting of members.
- 8.4 Resignation and Removal: Subject to the rights, if any, of an officer under any contract of employment, any officer may be removed, either with or without cause, by the board of directors, at any regular or special meeting of the board, or, except in case of an officer chosen by the board of directors, by an officer upon whom such power of removal may be conferred by the board of directors.

Any officer may resign at any time by giving written notice to the Company. Any resignation shall take effect at the date of the receipt of that notice or at any later time specified in that notice; unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective. Any resignation is without prejudice to the rights, if any, of the Company under any contract to which the officer is a party

8.5 Vacancies: A vacancy in any office because of death, resignation, removal, disqualification, or any other cause shall be filled in the manner prescribed in these bylaws for regular appointments to that office.

8.6 Subordinate Officers: The board of directors may appoint, and may empower the president to appoint, such other officers as the business of the Company may require, each of whom shall hold office for such period, have such authority and perform such duties as are provided in the bylaws or as the board of directors may from time to time determine.

8.7 Duties:

President: Subject to such powers, if any, as may be given by the bylaws or board of directors to the chairman of the board, if there is such an officer, the president shall be the general manager and chief executive officer of the Company and shall, subject to the control of the board of directors, have general supervision, direction, and control of the business and the officers of the Company. He or she shall preside at all meetings of the members and, in the absence of the chairman of the board, or, if there is none, at all meetings of the board of directors. The president shall have the general powers and duties of management usually vested in the office of president of a corporation, and shall have such other powers and duties as may be prescribed by the board of directors or the bylaws.

Vice-President: In the absence or disability of the president, the vice-president shall perform all the duties of the president, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the president. The vice-president shall have such other powers and perform such other duties as from time to time may be prescribed for them respectively by the board or directors or the bylaws, and the president, or the chairman of the board if there is no president.

Secretary: The secretary shall keep or cause to be kept, at the principal executive office or such other place as the board of directors may direct, a book of minutes of all meetings and actions of directors, committees of directors, and members, with the time and place of meeting, whether regular or special, and, if special, how authorized, the notice given, the names of those present at directors' meetings or committee meetings, the number of membership certificates present or represented at members' meetings and the proceedings.

The secretary shall keep, or cause to be kept at the principal executive office or at the office of the Company's transfer agent or registrar, as determined by resolution of the board of directors, a record of members or a duplicate record of members, showing the names of all members and their addresses, the number membership certificates held by each, and the number and date of cancellation of every certificate surrendered for cancellation.

The secretary or assistant secretary, or if they are absent or unable to act or refuse to act, any other officer of the Company, shall give, or cause to be given, notice of all meetings of the members, of the board of directors, and of committees of the board of directors, required by the bylaws or by law to be given. The secretary shall keep the seal of the Company if one is adopted, in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the board of directors or by the bylaws.

Chief Financial Officer: The chief financial officer (CFO) shall keep and maintain, or cause to be kept and maintained, adequate and correct books and records of accounts of the properties and business transaction of the Company, including accounts of its assets, liabilities, assessment receipts, disbursements, gains, losses, capital, retained earnings, and shares. The books of account shall at all reasonable times be open to inspection by any directors.

The chief financial officer shall deposit all moneys and other valuables in the name and to the credit of the Company with such depositaries as may be designated by the board of directors. He or she shall disburse the funds of the Company as may be ordered by the board of directors. He or she shall disburse the funds of the Company as may be ordered by the board of directors, shall render to the president and directors whenever they request it, an account of all transactions as chief financial officer and of the financial condition of the Company, and shall have other powers and perform such other duties as may be prescribed by the board of directors or the bylaws.

ARTICLE IX

Committees

9.1 Committees of the Board: The board, by resolution adopted by a majority of the directors then in office, provided a quorum is present, may create one or more committees, each consisting of two or more directors and no persons who are not directors, to serve at the pleasure of the board. Appointments to committees of the board shall be by majority vote of the directors then in office. The board may appoint one or more directors as alternate members of any such committee, who may replace any absent member at any meeting. Any such committee, to the extent provided in the board resolution, shall have all the authority of the board except that no committee, regardless of board resolution, may:

- a. Take any final action on any matter that, under the California Nonprofit Mutual Benefit Corporation Law, also requires approval of the members or approval of a majority of all members;
- b. Fill vacancies on the board or on any committee that has the authority of the board;

- c. Fix compensation of the directors for serving on the board or on any committee;
 - d. Amend or repeal bylaws or adopt new bylaws;
 - e. Amend or repeal any board resolution that by its express terms is not so amendable or repealable;
 - f. Create any other committees of the board or appoint the members of committees of the board.
 - g. Expend Company funds to support a nominee for director after more people have been nominated for director than can be elected; or
 - h. With respect to any assets held in charitable trust, approve any contract or transaction between the Company and one or more of its directors or between the Company and an entity in which one or more of its directors have material financial interest, subject to the special approval provisions of Section 5233(d)(3) of the California Corporations Code
- 9.2 Meetings and Action of Committees: Meetings and actions of committees of the board shall be governed by, held, and taken in accordance with, the provisions of these bylaws concerning meetings and other board actions except that the time for regular meetings of such committees and calling or special meetings of such committees may be determined either by board resolution, or if there is none, by resolution of the committee. Minutes of each meeting of any committee of the board shall be kept and shall be filed with the corporate records. The board may adopt rules for the government of any committee that are consistent with these bylaws or, in the absence of rules adopted by the board, the committee may adopt such rules

ARTICLE X

Books and Records

- 10.1 Maintenance and Inspection by Members: The Company shall keep at its principal executive office, a record of its members, giving the names and addresses of all members and the number of membership certificates held by each member

A member or members of the Company may (i) inspect and copy the records of members' names and addresses and certificate ownership during usual business hours on five days' prior written demand on the Company, and (ii) obtain from the secretary of the Company, on written demand and on the tender of reasonable charges for such list, a list of the members' names and addresses, who are entitled to vote for the election of directors, and their certificate ownerships, as of the

most recent record date for which that list has been compiled or as of a date specified by the member after the date of demand. This list shall be made available to any such member or members by the secretary on or before the later of five (5) days after the demand is received or the date specified in the demand as the date as of which the list is to be compiled. The record of members shall also be open to inspection on the written demand of any member, at any time during usual business hours, for a purpose reasonably related to the holder's interests as a member. Any inspection and copying under this section may be made in person or by an agent or attorney of the member.

- 10.2 Articles and Bylaws: The Company shall keep at its principal office the original or a copy of the Articles of Incorporation and Bylaws, as amended to date, which shall be open to inspection by the members at all reasonable times during office hours.
- 10.3 Inspection by Directors: Every director shall have the absolute right at any reasonable time to inspect all books, records and documents of every kind and the physical properties of the Company. This inspection includes the right to copy and make extracts of documents.

ARTICLE XI

Amendments

- 11.1 Amendment by Members: New bylaws may be adopted or these bylaws may be amended or repealed by the vote or written consent of holders of a majority of the membership certificates entitled to vote, except as otherwise provided by law, these bylaws, or the articles of incorporation provided, however, that if the articles of incorporation of the Company set forth the number of authorized directors of the Company, the authorized number of directors may be changed only by an amendment of the articles of incorporation.
- 11.2 Amendment by Board: Subject to the rights of the members as provided in Section 11.1, bylaws, other than a bylaw or an amendment of a bylaw changing the authorized number of directors, may be adopted, amended, or repealed by the board of directors.

ARTICLE XII

Fiscal Year

- 12.1 The fiscal year of the Company shall be the calendar year.

ARTICLE XIII

Recordation

- 13.1 A copy of these *the original* Bylaws, duly certified by the secretary of the Company, shall be recorded in the office of the Humboldt County Recorder and, when recorded, shall constitute a lien and encumbrance upon the real property described in Exhibit A, attached hereto and made a part hereof by this reference. The rights and responsibilities of the members of the Company, as described in these bylaws, shall inure to the benefit of and be fully binding upon the owner of all parcels described in Exhibit A. (Amended, amendment effective date March 2, 2019).
- 13.2 *When amendments have been incorporated into these Bylaws and duly adopted, the newly incorporated changes shall be fully binding upon the owner of all parcels described in Exhibit A.* (Amended, amendment effective date March 2, 2019).

CERTIFICATE OF SECRETARY

I certify that I am the duly elected and acting secretary of Tim Mullen Road Mutual Water Company, a California Nonprofit Mutual Benefit Corporation, that the above bylaws consisting of 18 pages, are the bylaws of this Company as adopted by the board of directors on March 2, 2019 and that they have not been amended or modified since that date.

Executed on March 2, 2019, at Kneeland, California.


Secretary

Angela Ventuloth

EXHIBIT A

The following real property located in Humboldt County, California described as follows:

Lots 1 through 18 on the Record of Survey for John M. Cooper and Jim M. Hercher on file in the Office of the County Recorder of the County of Humboldt in Book 24 of Surveys, Pages 141 through 145.