



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: October 3, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Elk Ridge Holdings, LLC Special Permit**
Application Number: 11022
Case Number: SP16-129
Assessor's Parcel Number: 220-311-031
2180 Perry Meadow Lane, Briceland area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 3, 2019	Special Permit	Liza Welsh

Project Description: A Special Permit for the continued operation of an existing 9,600-square-foot mixed-light cannabis cultivation site, a 2,304-square-foot ancillary nursery, and ancillary drying, storage, and processing buildings. The irrigation water sources are two permitted wells and a proposed 430,000-gallon rainwater catchment pond. After construction, the pond will be the primary irrigation water source. There will be three mixed-light cultivation cycles per year. The applicant anticipates that they require 253,980 gallons of water annually to support the project. A maximum of five employees will work on site. Harvested cannabis will be dried onsite in an existing structure and will be processed off site. Power is provided by a generator with mufflers to attenuate noise. Development on the subject parcel is limited to the cannabis cultivation and ancillary structures.

Project Location: The project is located in the Briceland area, at the terminus of Perry Meadow Lane approximately 1.85 miles North from the intersection of Briceland Thorne Road and Perry Meadow Lane, on the property known as 2180 Perry Meadow Lane.

Present General Plan Land Use Designation: Residential Agriculture (RA-40), Humboldt County General Plan (GP), Density: 40 acres per dwelling unit, Slope Stability: High Instability (3)

Present Zoning: Forestry Recreation, Minimum Building Site Area 40 acres (FR-B-5(40))

Case Number: SP16-129

Application Number: 11022

Assessor Parcel Number: 220-311-031

Applicant

Elk Ridge Holdings, LLC,
Utah Blue
PO Box 2456
Redway, CA 95560

Owner

Utah Blue
PO Box 1046
Redway, CA 95560

Agent

Same as Applicant

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

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

Major Issues: None.

ELK RIDGE HOLDINGS, LLC, INC.
Case Number: SP16-129
Assessor's Parcel Number: 220-311-031

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 any public testimony, and adopt the Resolution approving the Elk Ridge Holdings, LLC, Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: The proposed Special Permit would allow the continued operation of an existing commercial cannabis cultivation operation consisting of 9,600 square feet of existing mixed light commercial cannabis cultivation, an ancillary nursery, and ancillary storage structures on a 64.64-acre (assessed lot size) legal parcel in the Briceland area. A review of historic imagery using TerraServer indicates that on 10/26/2016 there was approximately 11,442 square feet of mixed light cannabis cultivation on the property in three discrete areas, where it is proposed to continue. At the applicant's request, this Special Permit will authorize 9,600 square feet of existing mixed light commercial cannabis cultivation in four greenhouses as follows:

Cultivation Space		
Area	Dimensions	Size
Greenhouse #1	24' X 112'	2688 square feet
Greenhouse #2	24' X 112'	2688 square feet
Greenhouse #3	24' X 112'	2688 square feet
Greenhouse #4	24' X 64'	1536 square feet
	TOTAL:	9600 square feet
Propagation / Nursery Space		
Area	Dimensions	Size
Nursery Greenhouse #1	24' X 48'	1152 square feet
Nursery Greenhouse #2	24' X 48'	1152 square feet
	TOTAL:	2304 square feet

The applicant's Cultivation and Operations Plan provides a justification for a nursery of this size. 460,8 square feet is used for aisles and access areas. 35%, or 806 square feet is used for propagation/cloning operations, including the maintenance of mother plants, and 1037 square feet is used for nursery cultivation of immature plants. The greenhouses have the capacity for 9,427 immature plants in 4'' pots. The applicant anticipates that 8,676 plants are needed per run. All plants in excess of that will be disposed of at permitted disposal sites according to the applicant's stated cultivation-related waste protocols.

All greenhouses will be appropriately shielded with light deprivation tarps to prevent light escape from 30 minutes prior to sunset until 30 minutes after sunrise at a level visible from neighboring properties in compliance with International Dark Sky Standards. The applicant will obtain the required permits or clearances from the Building Division for the greenhouses, for all graded flats, and for all sheds or outbuildings ancillary to the cannabis cultivation of greater than 120 square feet.

The applicant anticipates two or three flowering and harvest cycles per year. Water for domestic use is sourced from a surface water diversion on an onsite spring with a final Streambed Alteration Agreement (1600-2016-0021-R1. Water for irrigation is sourced from two permitted wells on the property (Permits 15/16-0670 & 17/18-1915. There is currently 25,000 gallons of tank water storage on the site, which are filled and

maintained by the well. The applicant has also applied for a building permit for a proposed 430,000-gallon rain catchment pond. After construction, the pond will be the primary water source. The tanks will be maintained and available for fire suppression. Water is delivered to the cannabis plants through a drip irrigation system with drip emitter regulators. The applicant anticipates that 225,000 gallons of water are used annually to support the cannabis cultivation operations and 28,980 gallons are used for nursery operations.

Power to cannabis operations on the subject parcel is provided by a generator, which is maintained on a trailer with a secondary containment structure and a drip pan. The applicant will install sound mufflers to ensure that the amount of noise produced by the generator is less than 50 decibels at 100 feet away to eliminate disturbance to any noise-sensitive species.

A maximum of five employees will work on this site. Harvested cannabis will be dried onsite in an existing 80' X 20' (1600-square foot) outbuilding. Processing may also occur in this structure if the applicant can obtain a commercial building permit for the structure. The applicant also reserves the option to process off site with a licensed third-party facility. The project was reviewed by the Building Division, which recommended conditional approval. The applicant shall provide an approved means of sewage disposal to support the processing location or shall process off site and on an annual basis shall submit receipts demonstrating the presence of portable toilets to support the needs of the operators.

The subject parcel is accessed via a private driveway from Perry Meadow Lane, a privately-maintained road taking access from Briceland-thorne Road, which is a County-maintained road with the functional capacity of a Category 4 road. A registered professional civil engineer evaluated Perry Meadow Lane for Category 4 compliance and found that Perry Meadow Lane can safely accommodate commercial traffic if road improvements are implemented. The project was reviewed by the Public Works Department which recommended approval with the condition that the applicant pave Perry Meadow Lane for a minimum width of 20 feet and a length of 50 feet where it intersects Briceland-thorne Road. Prior to constructing improvements within the County-maintained right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. With the improvements specified by the engineer who prepared the Road Evaluation and the Department of Public Works, the road can be considered to have the functional capacity for the traffic associated with the project. Conditions of approval require the applicant to ensure that the road paving occurs within two years and to form and participate in a road association that will implement these necessary improvements.

The subject parcel is zoned FR-B-5(40) but has a General Plan land use designation of residential agriculture (RA-40). It is densely forested with second-growth Douglas-fir and tankoak trees. Cultivation occurs on footprints established prior to 2005. The parcel also includes a converted area with a Less Than 3 Acre Conversion Exemption accepted by CalFire on July 21, 2016. The conversion report states that 8-15 mbf were removed consisting of 60% fir species and 80% other hardwood species. It states that the conversion exemption area is located on a parcel which is designated for agriculture and which had been historically used for such. It adds that the timbered areas which were converted contain suitable soils, slopes, aspect, and microclimate for agriculture. The converted area is located adjacent to the southern-most cultivation area. No cultivation is proposed within the converted footprint, but an existing well, a 3,500-gallon HDPE water tank, and an existing 1600-square-foot (20' X 80') structure used for storage and processing are within the footprint. The applicant also proposes the addition of a 430,000-gallon off-stream rain catchment pond within the converted area.

A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately .8 miles away from the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately 1.24 miles away. The project was referred to the California Department of Fish and Wildlife (CDFW), which requested that the following conditions be added to the project for the protection of local wildlife: The applicant shall submit evidence demonstrating that the generator is appropriately contained such that noise from the generator is attenuated to 50 decibels or less at 100 feet from the generator or at tree lines. Until the proposed pond is constructed, the applicant shall have the groundwater well inspected annually to evaluate drawdown and the potential for the well to go dry. The evaluation should include a standard

pump test to be conducted during the dry season and evaluation of the pump test results should be conducted by a licensed professional with expertise. The proposed pond shall be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016. An overflow spillway that will withstand a 100-year flood event designed with a dispersal mechanism, or low-impact design that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends that the spillway be designed and placed to allow for a minimum of two-feet freeboard. The applicant shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements; installed at no greater than 2:1 slope, securely fixed at the upslope end, and made of solid material (e.g. wood). The applicant shall comply with a CDFW Bullfrog Management Plan and related reporting requirements, and the applicant shall refrain from fish stocking without written permission from CDFW pursuant to Section 6400 of the Fish and Game Code. On an ongoing basis, the applicant shall adhere to a prohibition on synthetic netting, shall leave any wildlife encountered unharmed, and shall contain all refuse in wildlife proof storage containers and dispose of it at an authorized waste management facility.

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

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

The Zoning Administrator could also decide that the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use ordinance (CMMLUO). However, the Zoning Administrator may reach a different conclusion. In that case, the Zoning Administrator should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 19-**

**Case Number: SP16-129
Assessor Parcel Numbers: 220-311-031**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Elk Ridge Holdings, LLC, Special Permit request.

WHEREAS, Elk Ridge Holdings, LLC, Inc. submitted an application and evidence in support of approving a Special Permit for 9,600 square feet of existing mixed light cannabis cultivation with water supplied by two wells and a proposed 430,000-gallon rain catchment pond, power provided by a generator, on-site or off-site processing, and a maximum of five employees; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP16-129); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on October 3, 2019.

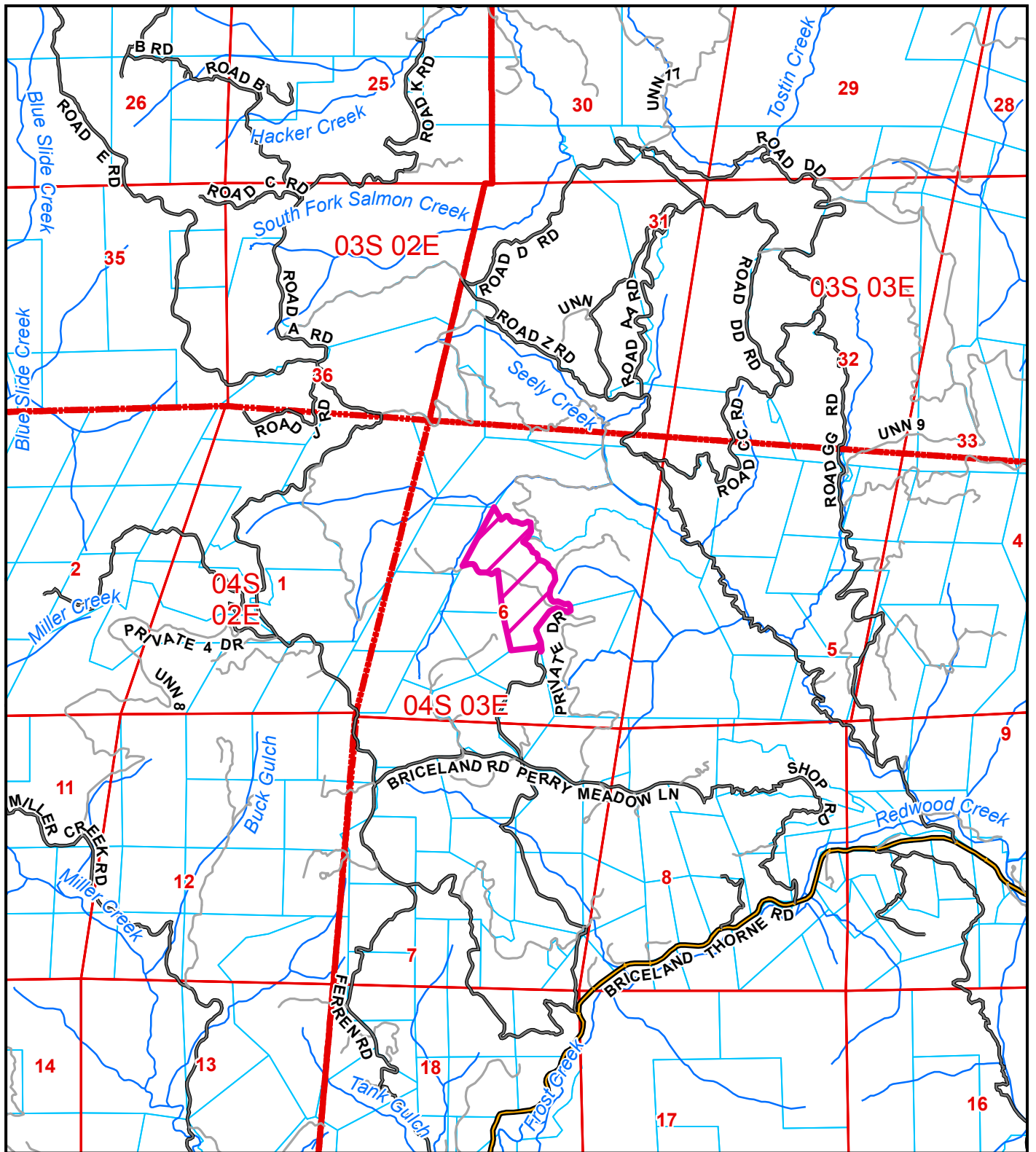
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

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 all the required findings in Attachment 2 of the Zoning Administrator staff report for Case Number SP16-129, support approval of the project based on the submitted substantial evidence; and
3. Case Number SP16-129 is approved as recommended and conditioned in Attachment 1 for Case Number SP16-129.

Adopted after review and consideration of all the evidence on October 3, 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 a meeting held on the date noted above.

John Ford, Director
Planning and Building Department



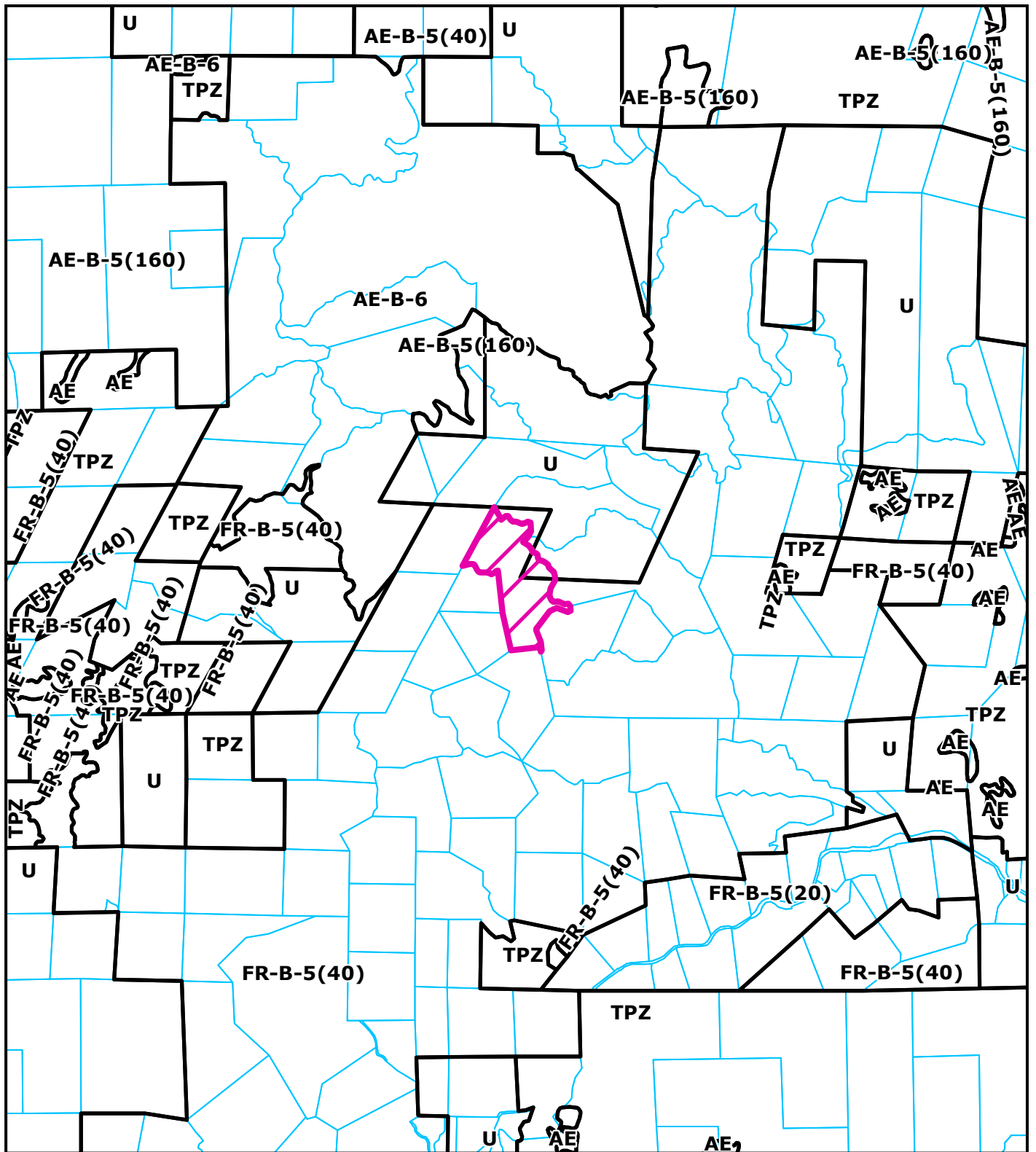
Project Area = 

TOPO MAP
PROPOSED ELK RIDGE HOLDINGS, LLC
BRICELAND AREA
SP-16-129
APN: 220-311-031
T04S R03E S6 HB&M (ETTERSBURG)

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

0 0.3 0.6 1.2 Miles





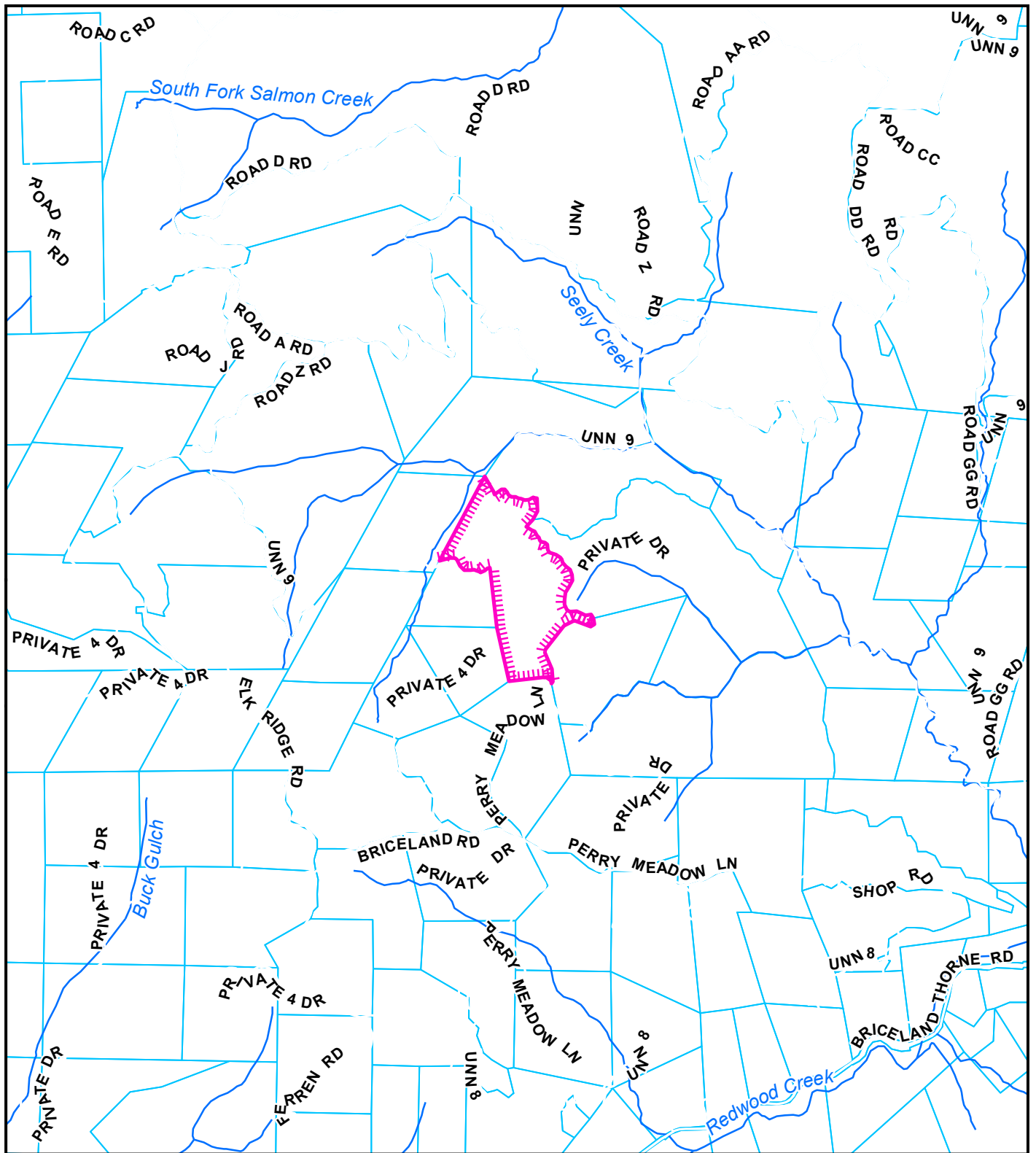
ZONING MAP
PROPOSED ELK RIDGE HOLDINGS, LLC
BRICELAND AREA
SP-16-129
APN: 220-311-031
T04S R03E S6 HB&M (ETTERSBURG)

Project Area = 



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





AERIAL MAP
PROPOSED ELK RIDGE HOLDINGS, LLC
BRICELAND AREA
SP-16-129
APN: 220-311-031
T04S R03E S6 HB&M (ETTERSBURG)

Project Area = 

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

0 1,000 2,000 4,000
 Feet



VICINITY MAP (N.T.S.)

DRIVING DIRECTIONS FROM REDWAY

1. FOLLOW BRICELAND ROAD TO PERRY MEADOW ROAD (4.4 MILES)

2. TAKE PERRY LANE AND PERRY MEADOW ROAD TO RD Bb (2.3 MILES)

PROJECT INFORMATION

APPLICANT: ELK RIDGE HOLDINGS, LLC AND UTAH BLUE
PROPERTY OWNER OF RECORD: UTAH BLUE
OWNER ADDRESS: P.O. BOX 1046, REDWAY, CA 95560
APN: 220-311-031
HUMBOLDT COUNTY APPS#: 11022
PROPERTY ADDRESS: 2180 PERRY MEADOW RD., REDWAY, CA 95540
ASSESSED LOT SIZE: 64.64 ACRES
HUMBOLDT COUNTY GIS ACRES: 110.76 ACRES
CURRENT GENERAL PLAN: RA40
ZONING WITH COMBINING ZONES: FR-B-5(40); U

GENERAL NOTES

1. FIRST 8 FEET OF GREENHOUSE FROM END IS USED AS A NON-CONTAINED, COVERED STORAGE AREA AND NOT USED FOR CULTIVATION. CALCULATION OF "CULTIVATION AREA" IS BASED ON A 24'X112' AND 24'X64' "EFFECTIVE" DIMENSIONS.

2. NO KNOWN EASEMENTS ON SUBJECT PROPERTY.

3. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR KNOWN TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION SITES.

4. NO OFF-SITE RESIDENCES WITHIN 300 FEET OF CULTIVATION SITES.

5. NO CULTIVATION OR OPERATIONS WITHIN STREAMSIDE MANAGEMENT AREA ON ADJACENT PARCEL TO THE EAST.

WATER SOURCES

1. TWO WELLS AS NOTED

2. DFW APPROVED SPRING DIVERSION (DURING NON-FORBEARANCE PERIODS) DOMESTIC USE ONLY

WATER STORAGE

1. (2) 1500 GALLON HDPE STORAGE TANKS

2. (2) 3500 GALLON HDPE STORAGE TANKS

3. (3) 5000 GALLON HDPE STORAGE TANKS

TOTAL STORAGE: 25000 GALLONS

The main site plan map illustrates the layout of the cultivation facility. Key features include:
 - Cultivation areas: GH-1, GH-2, GH-3, GH-4 (Mixed Light Greenhouses) and N1, N2 (Nursery Greenhouses).
 - Setbacks: 30' SRA, 600' from Northern/Southern cultivation areas, and 50' from Class III stream channels.
 - Infrastructure: Graded flat areas, Class III stream channels, and a Class III stream crossing.
 - Water management: (E) 3 water tanks, (2) 5000 gallon HDPE tanks, (1) 1500 gallon HDPE tank, (P) ±430,000 gallon rainwater catchment pond, (E) well (±10 GPM) PMT 17/18-1915 and 3500 gallon HDPE water tank, (E) 3500 gallon HDPE water tank fire suppression, (E) 5000 gallon HDPE water tank, (E) well ±10 GPM PMT 15/16-0670, and (E) 20'x80' drying & storage structure.
 - Access and roads: (E) off-property private road network, (E) on-property private access road network, and (E) employee parking (up to 5 vehicles).
 - Other features: (E) 1500 gallon HDPE water tank, (P) portable toilet(s) location, and (E) Class III stream crossing.
 - A 'RECEIVED' stamp from Humboldt County Cannabis Svcs. dated OCT 24 2019 is present.

CULTIVATION AREA			
CULTIVATION AREA I.D.	CULTIVATION TYPE	EFFECTIVE DIMENSIONS (SEE NOTE 1)	EFFECTIVE CULTIVATION AREA (SEE NOTE 1)
GH-1	MIXED LIGHT	24' X 112'	2688 SF
GH-2	MIXED LIGHT	24' X 112'	2688 SF
GH-3	MIXED LIGHT	24' X 112'	2688 SF
GH-4	MIXED LIGHT	24' X 64'	1536 SF
TOTAL CULTIVATION AREA			9600 SF

IMMATURE PLANT AREA		
IMMATURE PLANT AREA I.D.	DIMENSIONS	IMMATURE PLANT AREA
N1	24' X 48'	1152 SF
N2	24' X 48'	1152 SF
TOTAL IMMATURE PLANT AREA		2304 SF

A north arrow pointing upwards and a graphic scale bar indicating 250 feet.

OUR EVOLUTION ENGINEERING, INC.
1821 BUTTERMILK LANE
ARCATA, CA 95521
360.791.3259
ANDY@OUREVOLUTION.COM

ELK RIDGE HOLDINGS, LLC/UTAH BLUE
2180 PERRY MEADOW ROAD
REDWAY, CA 95540

REVISED CULTIVATION SITE PLAN

DRAWN	ACS
CHECK	GAC
APPROVED	ACS
DATE	09/24/2019
JOB NUMBER	ERH_031
SHEET	1

SP-16-129 Elk Ridge Holdings 11022

October 3, 2019

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ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.
2. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
3. Until the proposed pond is constructed, the applicant shall have the groundwater well inspected annually to evaluate drawdown and the potential for the well to go dry. The evaluation should include a standard pump test to be conducted during the dry season and evaluation of the pump test results should be conducted by a licensed professional with expertise.
4. 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 #5 –12. 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.
5. The applicant shall secure permits or applicable ag-exempt clearances for all unpermitted features related to the cannabis cultivation, including all greenhouses, the structure used for processing, all unpermitted graded flats, and any outbuildings greater than 120 square feet with a nexus to the cannabis use. 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.
6. The project is located within Northern Spotted Owl (*Strix occidentalis caurina*), a State-and Federally-Threatened species, potential habitat. For the protection of owls and other noise-sensitive species, the applicant shall submit documentation demonstrating that the generator is contained such that noise levels are no greater than 50 decibels at 100 feet from the generator or from the edge of tree lines while the generator is operating.

The proposed pond shall be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016. An overflow spillway that will withstand a 100-year flood event designed with a dispersal mechanism, or low-impact design that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends that the spillway be designed and placed to allow for a minimum of two-feet freeboard. The applicant shall install several exit ramps to prevent

wildlife entrapment. Exit ramps shall meet the following requirements; installed at no greater than 2:1 slope, securely fixed at the upslope end, and made of solid material (e.g. wood).

7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
8. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
9. The intersection of Perry Meadow Lane and Briceland-thorne 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.
10. The project was reviewed by the Public Works Department which recommended approval with the condition that the applicant pave Perry Meadow Lane for a minimum width of 20 feet and a length of 50 feet where it intersects Briceland-thorne Road. Prior to constructing improvements within the County-maintained right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works.
11. The project was reviewed by the Department of Environmental Health, which recommended approval with the condition that the applicant shall provide an approved means of sewage disposal to support the processing location or shall process off site and on an annual basis shall submit receipts demonstrating the presence of portable toilets to support the needs of the operators.
12. The applicant shall form and participate in a road association that will improve Perry Meadow Lane so that it can safely accommodate commercial traffic, according to the recommendations provided by a Registered Professional Civil Engineer in the applicant's Road Evaluation.
13. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. 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.

4. 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.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. 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).
7. 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.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
9. 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).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.
12. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
14. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
15. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
16. Any project related noise shall be contained to the extent feasible (e.g. containment of fans and dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
17. The applicant shall comply with a CDFW Bullfrog Management Plan for the proposed pond and with

related reporting requirements.

18. The applicant shall refrain from fish stocking in the proposed pond without written permission from CDFW pursuant to Section 6400 of the Fish and Game Code.
19. 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.
20. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
21. 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

22. 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."
23. 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).
24. 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.
25. 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.

26. 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.

27. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP 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 permittee(s) and the permitted site have been found to comply with all conditions of approval.

28. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the CUP, 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.

29. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

30. 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.

31. Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
32. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
33. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #24 of the On-Going Requirements /Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and

Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

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

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.

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, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
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 2017, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA): This plan designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying entities are reflective of land capabilities and/or compatibility issues. The RA-40 designation is applied to more remote-steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density is 40 acres/unit.</p>	<p>The Applicant proposes the continued operation of an existing commercial cannabis cultivation site consisting of 9,600 square feet of existing mixed light commercial cannabis cultivation in greenhouses using light deprivation on lands designated as Residential Agriculture. General agriculture and intensive agriculture are allowable use types for this 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>The project is located at 2180 Perry Meadow Lane. It is accessed via a private driveway from Perry Meadow Lane, a privately-maintained road taking access from Briceland-thorne Road, which is a County-maintained road with the functional capacity of a Category 4 road. A registered professional civil engineer evaluated Perry Meadow Lane for Category 4 compliance and found that Perry Meadow Lane can safely accommodate commercial traffic provided that road improvements are implemented. The project was reviewed by the Public Works Department which recommended approval with the condition that the applicant pave Perry Meadow Lane for a minimum width of 20 feet and a length of 50 feet where it intersects Briceland-thorne Road. Prior to constructing improvements within the County-maintained right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. With the improvements specified by the engineer who prepared the Road Evaluation and the Department of Public Works, the road can be considered to have the functional capacity for the traffic associated with the project. Conditions of approval require the applicant to ensure that the road paving occurs within two years and to form and participate in a road association that will implement these necessary improvements.</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. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.</p>	<p>The project site is within or near a land use designation or zoning classification identified for the Local Open Space Plan, and the proposed development is consistent with the Plan. The subject parcel is 64.64 acres in size and contains second-growth forest features. Cultivation occurs within an area cleared under a Less-Than-3-Acre Timber Conversion Exemption. There are undisturbed buffers between the cultivation areas, property lines, and surface water features on the parcels.</p> <p>(See Biological Resources Section 10.3 for additional discussion).</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 parcel is zoned FR-B-5(40) but has a General Plan land use designation of residential agriculture (RA-40). It is densely forested with second-growth Douglas-fir and tankoak trees. Cultivation occurs on footprints established prior to 2005. The parcel also includes a converted area with a Less Than 3 Acre Conversion Exemption accepted by CalFire on July 21, 2016. The conversion report states that 8-15 mbf were removed consisting of 60% fir species and 80% other hardwood species. It states that the conversion exemption area is located on a parcel which is designated for agriculture and which had been historically used for such. It adds that the timbered areas which were converted contain suitable soils, slopes, aspect, and microclimate for agriculture. The converted area is located adjacent to the southern-most cultivation area. No cultivation is proposed within the converted footprint, but an existing well, a 3,500-gallon HDPE water tank, and an existing 1600-square-foot (20' X 80') structure used for storage and processing are within the footprint. The applicant also proposes the addition of a 430,000-gallon off-stream rain catchment pond within the converted area.</p> <p>Power to the cultivation project is provided by a diesel generator, which is kept within a secondary containment housing with a drip system. The applicant will install additional sound mufflers to ensure that noise levels remain below 50 decibels at 100 feet away from the generator. Artificial light will be shielded with light deprivation tarps in compliance with International Dark Sky Standards. The project is conditioned that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.</p> <p>The project is within the South Fork Eel Watershed, the Redwood Creek HUC 12 watershed, and the Seely Creek Super Planning Watershed. The Redwood Creek Watershed is a cannabis-impacted watershed. Water is currently provided by permitted wells and stored in 25,000 gallons of hard tank storage, but the applicant proposes construction of a 430,000-gallon rain catchment pond, which will become the primary water source for the project.</p> <p>The project was referred to the California Department of Fish and Wildlife (CDFW), which requested that the following conditions be added</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>to the project for the protection of local wildlife: The applicant shall submit evidence demonstrating that the generator is appropriately contained such that noise from the generator is attenuated to 50 decibels or less at 100 feet from the generator or at tree lines. Until the proposed pond is constructed, the applicant shall have the groundwater well inspected annually to evaluate drawdown and the potential for the well to go dry. The evaluation should include a standard pump test to be conducted during the dry season and evaluation of the pump test results should be conducted by a licensed professional with expertise. The proposed pond shall be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016. An overflow spillway that will withstand a 100-year flood event designed with a dispersal mechanism, or low-impact design that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends that the spillway be designed and placed to allow for a minimum of two-feet freeboard. The applicant shall install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements; installed at no great than 2:1 slope, securely fixed at the upslope end, and made of solid material (e.g. wood). The applicant shall comply with a CDFW Bullfrog Management Plan and related reporting requirements, and the applicant shall refrain from fish stocking without written permission from CDFW pursuant to Section 6400 of the Fish and Game Code. On an ongoing basis, the applicant shall adhere to a prohibition on synthetic netting, shall leave any wildlife encountered unharmed, and shall contain all refuse in wildlife proof storage containers and dispose of it at an authorized waste management facility.</p>
<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</p>	<p>The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that standard inadvertent discovery language be included as a condition of project approval. If cultural resources are</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>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.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).</p> <p>Related standards: SR-S4, Light and Glare.</p>	<p>The project is not sited near a State Scenic Highway. It involves the cultivation of 9676 sf of existing mixed light cannabis cultivated in greenhouses an ancillary nursery. Light deprivation tarps will be used to shield all greenhouses such that no light escapes a level visible from neighboring properties between 30 minutes prior to sunset and 30 minutes after sunrise. Vegetated buffers are maintained between all cultivation areas and neighboring parcels or roads.</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).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.</p>	<p>The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. A Water Resource Protection Plan (WRPP) was prepared by Timberland Resource Consultants pursuant to a site visit that occurred in March 2017. The WRPP states that the permanent and seasonal roads on the property have rocked surfaces, adequate surfacing and are maintained regularly by the Discharger. Ruts, gullies, or surface erosion was not taking place due to inadequate road surfacing. It adds that maintenance and installation of rocked rolling dips and ditch relief culverts on the property's access roads is required to be in compliance with this Standard Condition. The WRPP identifies mapping points for these necessary upgrades including a rolling dip at crossing-1, installation of two culverts at crossing-2 and crossing-3 and replacement of failing culverts at crossing-4 and crossing-5. The applicant has a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife for this work (1600-2016-0021-R1).</p> <p>As a condition of approval, the applicant shall adhere to the WRPP and shall implement all corrective actions prescribed therein including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board].</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>A maximum of five employees will work on the site. On-site processing in an existing structure is proposed, which will require a commercial building permit and the installation of an Onsite Wastewater Treatment System (OWTS) approved by the Department of Environmental Health (DEH). Until the necessary permits or clearances are granted, processing will occur off site and the applicant will provide a portable toilet with handwashing equipment for operator use while working on the site. The operator will submit annual receipts to the Department of Environmental Health confirming the ongoing presence of portable toilets until such time as a restroom and permitted OWTS are established on the parcel.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is located in a forested area that requires special noise attenuation measures. The primary power source to the parcel is a generator. The project is conditioned that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P7, Structural Hazards; and S-P11, Site Suitability.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone or is subject liquefaction. The site is in an area designated as High Instability (3) on the County's GIS. There are no mapped historic landslides on the subject parcel. Based on the project and evidence before staff, the project does not pose any other threat to public safety related from exposure to natural or manmade hazards.</p> <p>The structures and grading associated with the project shall be reviewed by the County Building Division for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks. The applicant shall obtain the relevant building permits for all existing and proposed structures and grading.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; and S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 10 miles distance from the coast and over 1000 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire hazard severity. The project site is located within the Briceland FPD fire response area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe, Resource Management, and Cannabis Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>A maximum of five employees will work on the site. The project site includes 25,000 gallons of water tanks which can be used for fire suppression and a minimum of 2,500 gallons of this capacity will be entirely reserved for fire suppression. Conditions of approval for the project require the applicant to demonstrate that the driveway and emergency vehicle turn arounds conform with Humboldt County Code Section 3112-12, the Fire Safe Regulations.</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>The subject parcel is within the Briceland Fire Protection District boundaries.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; and AQ-P7, Interagency Coordination.</p>	The project was referred to the Coast Air Quality Management District (NCAQMD), but no response was received. 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 any construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

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.	The subject parcel is a legal parcel per Certificate of Subdivision Compliance 2019-013580 via DS 18-002.
§314-7.3 Forestry Recreation Zone (FR)	The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.	The proposed action would permit an outdoor commercial cannabis cultivation in existence prior to January 1, 2016, on a parcel zoned FR-B-5(40). The existing cultivation area totals 9,600 square feet. The proposed cannabis cultivation use is specifically allowed with a Special Permit in the FR under Section 314-55.4.8.2.2 of the CMMLUO.
§314-17.1 Minimum Building Site Area 40 acres (B-5(40))	The Special Building Site Combining Zone or B Zones and subzones thereunder are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirement should be modified.	

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Area:	1 acre	64.64 acres
Minimum Lot Width:	200 feet	~590 feet
Maximum Lot Depth:	None specified	~3,000 feet
Minimum Yard Setbacks:	Front: 20 feet Rear: 20 feet Side: 10 feet	Front: >30 feet Rear: >30 feet Side: > 30 feet
Through the SRA Setbacks	SRA: 30 feet all sides	
Minimum Distance Between Major Buildings:	None specified	> 20 feet
Maximum Ground Coverage:	None specified	< 35%
Max. Building Height:	35 feet	< 35 feet

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§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 Class I or Class II streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p> <p>The SMA of Class III or intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p>	<p>The subject parcel contains two Class III watercourses. The current cultivation areas are located over 50 feet from the watercourses on constructed, terraced, flat surfaces. Buffers are natural slopes, undeveloped, and heavily vegetated with native trees and thick brush. Soils are not stored or placed within Streamside Management Areas.</p> <p>Water for domestic use is sourced from a surface water diversion on an onsite spring with a final Streambed Alteration Agreement (1600-2016-0021-R1). Water for cannabis irrigation is sourced from two permitted wells on the property (Permits 15/16-0670 & 17/18-1915). There is currently 25,000 gallons of tank water storage on the site, which are filled and maintained by the well. The applicant has also applied for a building permit for a proposed 430,000-gallon rain catchment pond. After construction, the pond will be the primary water source.</p> <p>The applicant holds a Lake and Streambed Alteration Agreement (1600-2016-0021-R1) with the California Department of Fish and Wildlife (CDFW) for 6 encroachment activities that may affect the bed, bank, or channel of watercourses, as follows: one domestic point of diversion, replacement of one rolling dip with a minimum 18" culvert at Crossing-1, installation of two minimum 18" culvert to lessen flow within inside ditch at Crossing-2 and at Crossing-3, and replacement of two failing 12" culverts with a minimum size 18" culvert at Crossing-4 and Crossing-5. Conditions of approval require the applicant to adhere to the terms and reporting requirements of their agreement with CDFW.</p>

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	The subject parcel is zoned FR-B-5(40) but has a General Plan land use designation of residential agriculture (RA-40). It is densely forested with second-growth Douglas-fir and tankoak trees. Cultivation occurs on footprints established prior to 2005. The parcel also includes a converted area with a Less Than 3 Acre Conversion Exemption accepted by CalFire on July 21, 2016. The conversion report states that 8-15 mbf were removed consisting of 60% fir species and 80% other hardwood species. It states that the conversion exemption area is located on a parcel which is designated for agriculture and which had been historically used for such. It adds that the timbered areas which were converted contain suitable soils, slopes, aspect, and microclimate for agriculture. The converted area is located adjacent to the southern-most cultivation area. No cultivation is proposed within the converted footprint, but an existing well, a 3,500-gallon HDPE water tank, and an existing 1600-square-foot (20' X 80') structure used for storage and drying are within the footprint. The applicant also proposes the addition of a 430,000-gallon off-stream rain catchment pond within the converted area.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1-acre, zoned FR.	The proposed action is one Special Permit for an existing 9,675 square feet of mixed light cannabis cultivation operation on a property zoned FR-B-5(40). Aerial imagery on TerraServer indicate that existing cultivation operations on the property began sometime before 2016. On 10/26/2015, there was approximately 11,442 square feet of cultivation occurring in greenhouses in three discrete areas, where it is proposed to continue. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant, Elk Ridge Holdings (Utah Blue) has applied for two cannabis permit applications and is entitled to four. This application is for one Special Permit.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§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.	Harvested cannabis will be dried and processed onsite in an existing 80' X 20' (1600-square foot) outbuilding. The applicant will obtain a commercial building permit for this shed as a condition of project approval. The applicant also reserves the option to process off site with a licensed third-party facility. The project was reviewed by the Building Division, which recommended conditional approval. The applicant shall provide an approved means of sewage disposal to support the processing location or shall process off site and on an annual basis shall submit receipts demonstrating the presence of portable toilets to support the needs of the operators.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The applicant anticipates two or three flowering and harvest cycles per year. Water for domestic use is sourced from a surface water diversion on an onsite spring with a final Streambed Alteration Agreement (1600-2016-0021-R1. Water for irrigation is sourced from two permitted wells on the property (Permits 15/16-0670 & 17/18-1915). There is currently 25,000 gallons of tank water storage on the site, which are filled and maintained by the well. The applicant has also applied for a building permit for a proposed 430,000-gallon rain catchment pond. After construction, the pond will be the primary water source. The tanks will be maintained and available for fire suppression. Water is delivered to the cannabis plants through a drip irrigation system with drip emitter regulators. The applicant anticipates that 253,980 gallons of water are used annually to support the cannabis cultivation operations and nursery operations.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	There are no schools within 600 feet of the cultivation operation. There are no parks as defined in HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. There are no cultivation-related structures within the 30-foot SRA setback. There are no cultivation areas or related features within Streamside Management Areas on the parcel.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	The subject parcel is located in a forested area that requires special noise attenuation measures. The primary power source to the parcel is a generator. The project is conditioned that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
§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 July 6, 2016.

4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.

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

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

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

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 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 cultivation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum

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

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

APN 220-311-031, 2180 Perry Meadow Lane, Briceland, County of Humboldt

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

September 2019

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

A Special Permit for the continued operation of an existing 9,600-square-foot mixed-light cannabis cultivation site, a 2,304-square-foot ancillary nursery, and ancillary drying, storage, and processing buildings. The irrigation water sources are two permitted wells and a proposed 430,000-gallon rainwater catchment pond. After construction, the pond will be the primary irrigation water source. There will be three mixed-light cultivation cycles per year. The applicant anticipates that they require 253,980 gallons of water annually to support the project. A maximum of five employees will work on site. Harvested cannabis will be dried onsite in an existing structure and will be processed off site. Power is provided by a generator with mufflers to attenuate noise. Development on the subject parcel is limited to the cannabis cultivation and ancillary structures.

The subject parcel is zoned FR-B-5(40) but has a General Plan land use designation of residential agriculture (RA-40). It is densely forested with second-growth Douglas-fir and tankoak trees. Cultivation occurs on footprints established prior to 2005. The parcel also includes a converted area with a Less Than 3 Acre Conversion Exemption accepted by CalFire on July 21, 2016. The conversion report states that 8-15 mbf were removed consisting of 60% fir species and 80% other hardwood species. It states that the conversion exemption area is located on a parcel which is designated for agriculture and which had been historically used for such. It adds that the timbered areas which were converted contain suitable soils, slopes, aspect, and microclimate for agriculture. The converted area is located adjacent to the southern-most cultivation area. No cultivation is proposed within the converted footprint, but an existing well, a 3,500-gallon HDPE water tank, and an existing 1,600-square-foot (20' X 80') structure used for storage and processing are within the footprint. The applicant also proposes the addition of a 430,000-gallon off-stream rain catchment pond within the converted area.

A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately .8 miles away from the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately 1.24 miles away. The project was referred to the California Department of Fish and Wildlife (CDFW), which requested that the following conditions be added to the project for the protection of local wildlife: The applicant shall submit evidence demonstrating that the generator is appropriately contained such that noise from the generator is attenuated to 50 decibels or less at 100 feet from the generator or at tree lines. Until the proposed pond is constructed, the applicant shall have the groundwater well inspected annually to evaluate drawdown and the potential for the well to go dry. The evaluation should include a standard pump test to be conducted during the dry season and evaluation of the pump test results should be conducted by a licensed professional with expertise. The proposed pond shall be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016. An overflow spillway that will withstand a 100-year flood event designed with a dispersal mechanism, or low-impact design that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends that the spillway be designed and placed to allow for a minimum of two-feet freeboard. The applicant shall install several

exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements; installed at no greater than 2:1 slope, securely fixed at the upslope end, and made of solid material (e.g. wood). The applicant shall comply with a CDFW Bullfrog Management Plan and related reporting requirements, and the applicant shall refrain from fish stocking without written permission from CDFW pursuant to Section 6400 of the Fish and Game Code. On an ongoing basis, the applicant shall adhere to a prohibition on synthetic netting, shall leave any wildlife encountered unharmed, and shall contain all refuse in wildlife proof storage containers and dispose of it at an authorized waste management facility.

The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that standard inadvertent discovery language be included as a condition of project approval. 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,

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, establishment of a rain catchment water source, permitting of unpermitted structures and graded flats, and proper storage of fertilizers and soil amendments.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CMMLUO is

fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- Site Plan prepared by Ourevolution Engineering, Inc. dated September 24, 2019.
- Operations Plan prepared by Our Revolution Energy and Engineering, dated September 24, 2019.
- Less Than 3 Acre Conversion Exemption accepted by CalFire July 21, 2016, for APN 220-311-031.
- Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (Notification No. 1600-2016-0021-R1).
- County GIS.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

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

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within $\frac{1}{4}$ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A Cultivation and Operations Plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
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. R1-2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached separately)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CALFIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE. (Attached)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)

12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report dated April 26, 2019. (Attached separately)
16. Certificate of Subdivision Compliance 2019-013580, dated August 6, 2019. (Attached)

(REVISED) Cultivation, Operations and Security Plan

APPS #11022, APN 220-311-031

September 24, 2019

Prepared for:
Elk Ridge Holdings, LLC



Prepared by:



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1.0 OPERATIONS PLAN

1.1 Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage

WATER SOURCE AND STORAGE

The primary sources of irrigation water for the cultivation operation are two permitted wells on the property (Permits 15/16-0670 & 17/18-1915). Each well has an average output of approximately 10 gallons per minute. These wells have been sufficient to meet Applicant's irrigation needs for the entire cultivation site.

Applicant has applied for a building permit for a proposed rain catchment pond. The pond is proposed to hold 430,000 gallons of water. After construction of the proposed pond, it will be the primary water source for the entire cultivation site.

Applicant also has a permitted surface water diversion from a road side spring on the property per a signed California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement (LSAA) No. 1600-2016-0021-R1. This permit requires forbearance for the POD from May 15 to October 15 of each year. This source may be used in accordance with CDFW and State Water Resource Control Board (SWRCB) requirements as a source for onsite water storage during non-forbearance periods. This source is currently used exclusively for domestic purposes. A Small Domestic Use Registration (SDUR) will be completed prior to July 1, 2019 as part of the transfer from the Regional Water Quality Control Board Cannabis General Enrollment to the SWRCB general enrollment for the subject property. Should this spring be required as a secondary irrigation water source in the future, a Small Irrigation Use Registration (SIUR) will be completed prior to use.

In addition to the proposed rain catchment pond, Applicant has 25,000 gallons of tank water storage on site. Tanks are situated in stable areas or constructed flats on ridgetops. Existing operations utilize the two wells described above as the primary irrigation water source to fill and maintain these tanks.

IRRIGATION PLAN

Irrigation water is applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Irrigation is applied through a traditional drip irrigation system with drip emitter regulators. Applicant waters in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier is used to minimize weed growth, which reduces water loss during watering. Applicant uses natural soil amendments to aid in soil moisture retention as part of irrigation plan.

PROJECTED WATER USAGE

Applicant will be cultivating approximately 9,676 sq. ft. of mixed-light cannabis pursuant to a special permit. Based on California Department of Fish and Wildlife estimates for cannabis irrigation needs and Applicant's irrigation practices, Applicant anticipates using 211,250 gallons of water ((169 days x 1,250 gallons) during the forbearance period required by the ordinance. Based

on a 180-day growing cycle, Applicant's total yearly water usage is anticipated to be 225,000 gallons.

In addition to mixed-light water usage, nursery operations at the site are expected to use approximately 230 gallons per day. Based on 130 active nursery days of operation during the forbearance period the Applicant anticipates using an estimated 28,980 gallons of water for nursery operations.

The above figures are weather dependent and are only estimated water usage totals. Applicant will install flow meters at all critical points to measure actual yearly water usage upon implementation of the project.

FIRE SUPPRESSION WATER STORAGE AND SOURCE

The subject project has 25,000 gallons of existing water storage in seven individual HDPE tanks:

- (2) 1,500 gallon HDPE storage tanks
- (2) 3,500 gallon HDPE storage tanks
- (3) 5,000 gallon HDPE storage tanks

In the event of fire, all of these tanks will be available for suppression and a minimum of 2,500 gallons of storage will be maintained on site allocated for fire suppression (see Cultivation Site Plan for more details.)

The water source for these tanks and for fire suppression are the two existing wells described above.

1.2 Description of Site Drainage, including Runoff and Erosion Control Measures

SITE DRAINAGE

There are two, Class III watercourses and two stream crossings on the subject property. Roads are hydrologically disconnected from watercourses and have rocked surfaces, adequate surfacing, and are regularly maintained by Applicant. Applicant has installed rolling dips and ditch relief culverts at locations to disperse road runoff. Water bars have been installed to prevent diversion of drainage along road surfaces. As an amendment to Applicant's LSAA, Applicant will be upgrading culverts along the main road of the parcel to ensure proper runoff drainage along roads.

Developed areas and cultivation areas are located on gentle slopes and are not connected to watercourses. Applicant will continue installing drainage features around the cultivation areas to promote infiltration and improve drainage around cultivation and developed areas per recommendations made by Timberland Resource Consultants and OurEvolution Engineering, Inc.

EROSION CONTROL MEASURES

Applicant has implemented significant erosion control measures over the cut banks and fill faces of the terraced cultivation areas. Applicant has installed extensive jute netting, straw wattles, and grass seeding to promote infiltration and stabilize slopes in and around cultivation areas.

Rocked rolling dips and ditch relief culverts along the main roads of Applicant's parcel is intended to disperse runoff and eliminate concentrated runoff that contributes to surface erosion in and around Applicant's roads. Per an amendment to Applicant's LSAA, Applicant will be installing new culverts at stream crossings that are adequately sized, armored and set to grade to pass the 100-year rain event surface flow and related debris as well as to prevent bank erosion from occurring.

RUNOFF CONTROL MEASURES

There is no runoff from Applicant's cultivation activities. Applicant uses drip irrigation, raised beds, waters at agronomic rates, uses timers to avoid overwatering and maintains vegetation around cultivation areas and riparian areas to promote infiltration and minimize runoff and sediment transportation to receiving waters. Applicant will re-seed and re-vegetate any exposed soils around the cultivation areas and install straw wattles and/or bales on slopes and/or discharge points that may transport sediment to receiving waters. Discharge points will be sufficiently armored to dissipate water energy which will reduce channeling at the outlet and related sediment mobilization. The proximity of the cultivation areas from watercourses ensures there is little to no chance for any irrigation runoff to reach surface waters. Applicant will consult with, and implement recommendations from, Timberland Resource Consultants and OurEvolution Engineering, Inc. to implement the measures described above and to improve runoff control measures on an as needed basis.

Applicant has installed ditch relief culverts with rock armoring to prevent sediment transport from Applicant's road network. Roads are rocked and maintained to minimize road surface runoff to the extent feasible. Road discharge points and ditch relief culverts are hydrologically disconnected from water courses on site.

1.3 Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat

PROTECTION OF WATERSHED AND HABITAT

The current cultivation areas are located on constructed terraced, flat surfaces on or near ridgetops on gentle slopes. The northwestern cultivation area is approximately 90 feet from the nearest watercourse, which is a Class III watercourse located to the west of the cultivation area. The other cultivation areas are approximately 150 feet from the nearest Class III watercourse. The closest Class II watercourse noted is over 300 feet from the nearest cultivation area. There are no Class I watercourses on the property or within 1,000 feet downstream of the property. Buffers are maintained at natural sloped, undeveloped, and heavily vegetated areas with native trees and thick brush and are sufficiently wide enough to retain sediment and/or nutrient discharges from production lands.

No cultivation or other development activity is proposed within the Streamside Management Area (SMA) associated with an unnamed tributary to Seely Creek located on an adjacent parcel to the east of the subject parcel.

CULTIVATION RELATED WASTE PROTOCOLS

Applicant is implementing measures to reduce and/or eliminate cultivation related waste. Applicant reuses and re-amends soils in place in raised beds during the off-season, resulting in zero

growth medium waste on site. Beds are tarped at the end of the year to prevent migration to surface waters. All plant related material will be composted in bins to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. All other associated waste will be placed in garbage cans with lids and placed on concrete surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will determine frequency of disposal to permitted disposal sites that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

REFUSE DISPOSAL

There are no living quarters or sewage disposal facilities on the property. Solid waste is stored in sealed bags and taken immediately to permitted transfer stations. Applicant will store garbage in covered containers on site which will be placed in the storage sheds to prevent the potential of leeching and transport of materials to surface waters and disturbance by wildlife.

HUMAN WASTE

There are no living quarters or sewage disposal facilities on the subject property. As part of project approval, Applicant will install portable toilets that will be serviced as required per usage. Portable toilets will be placed outside of SMAs and in locations that do not pose a threat to water quality or wildlife habitat.

1.4 Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products

PESTICIDES

Applicant does not use any chemical pesticides or herbicides. If needed in the future, Applicant will use only all natural, organic ingredients approved by the State for use in cannabis cultivation operations. State approved pesticides, if necessary, will be stored in off-site storage sheds with impermeable floor surfaces to prevent leeching or transport to receiving waters. Secondary containment totes will be used to further minimize risk of spills, leakage and transport. All operators will be sufficiently trained in the storage, use and emergency containment and cleanup procedures for any pesticides used on site prior to initiation of use.

Any pesticides in use will be stored consistent with product labeling, in original containers, and used according to labels.

Applicant will maintain and keep personal protective equipment required by the pesticide label in good working order. Coveralls will be washed after all use when required.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities. Change areas and decontamination rooms will be available off-site.

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

FERTILIZERS

Fertilizers will be stored in the on-site shed which is equipped with a non-permeable floor liner to prevent potential leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label. Fertilizers are used at agronomic rates to prevent nutrients from leaving the site during, and after the growing season. All operators will be sufficiently trained in the storage, use and emergency containment and cleanup procedures for any fertilizers used on site prior to initiation of use.

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

SOIL AMENDMENTS

Applicant does not store soil amendments on site. Instead, bulk amendments are purchased off-site and immediately mixed in to soil. Amendments are generally applied at the end of the year to soils used as part of the previous year's cultivation activities. All operators will be sufficiently trained in the storage, use and emergency containment and cleanup procedures for any soil amendments used on site prior to initiation of use.

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

TYPICAL SOIL AMENDMENTS	
PRODUCT TRADE NAME	AMOUNT APPLIED DURING START-UP/TRANSITION
BIOSELECT – AMAZE	10 GALLONS
TAPPIN' ROOTS	10 GALLONS
EPSOM SALT	10 GALLONS
ACTINOVATE	10 GALLONS
BIOMAX	10 GALLONS

PETROLEUM PRODUCTS AND STORAGE

Applicant stores less than 50 gallons of diesel on site. Applicant will store gasoline in a covered shed with roof and side wind protection to protect gasoline containers from elements. Diesel will be stored in approved container (40-gallon drum) with secondary containment to prevent diesel from leaching into groundwater or transport to surface waters. All operators will be sufficiently trained in the storage, use and emergency containment and cleanup procedures for any petroleum used on site prior to initiation of use

2.0 CULTIVATION PLAN

2.1 CULTIVATION ACTIVITIES

MIXED-LIGHT CULTIVATION

Applicant is proposing to permit existing mixed-light (light-deprivation and/or supplemental lighting) cultivation with cultivation area of 10,000 SF of greenhouse space. The mixed-light greenhouses are configured as detailed in Table 1.

Table 1: General Mixed-Light Greenhouse Configuration

Total Mixed-Light Greenhouse Area (SF)	9,676
Approximate Area Allocated for Access (SF) (4' center aisle x 120' nominal greenhouse length + 2 x 2' exterior aisles x 120' nominal greenhouse length + end area access)	1,000
Total Available Greenhouse Cultivation Area (SF)	8,676
Minimum Area Required Per Plant (SF/Plant)	1.0
Maximum Anticipated Number of Plants Per Run (Plants/Run)	8,676

Applicant employs a cultivation method known in the industry as “sea of green”. This method involves high density planting in heds. As can be seen in Table 1, based on this cultivation methodology, the maximum anticipated plant count per cultivation “run” is 8,676 plants. Applicant anticipates three (3) runs of mixed-light cultivation per year.

IMMATURE PLANT PROPAGATION AND NURSERY

In addition to mixed-light cultivation, Applicant operations require cannabis stock propagation and nursery functions. This will be achieved using two (2), existing 24'x48' greenhouses. The propagation and nursery greenhouses will be configured as detailed in Table 2.

Table 2: General Propagation and Greenhouse Configuration

Total Nursery Greenhouse Area (SF)	2,304
Approximate Area Allocated for Access (SF) (4' center aisle x 48' nominal greenhouse length + 2 x 2' exterior aisles x 48' nominal greenhouse length + end area access)	460.8
Percent of Nursery Greenhouse Used for Propagation/Cloning (%)	35%
Total Area for Propagation Cloning Operations (SF)	806
Total Available Nursery Cultivation Area (SF)	1037
Required Minimum Area Per Plant (4" Pots) (SF/Plant)	0.11
Maximum Number of Nursery Plants Produced (Plants)	9,427

As can be seen in Table 2, Applicant anticipates producing approximately 750 more immature plants in the propagation and nursery greenhouse than will be supported by the mixed-light operations. This slight overproduction will provide a buffer against diseased or otherwise less desirable immature plants. All excess immature plants and materials will be handled as delineated in the Cultivation Related Waste Protocols delineated above.

GENERAL CULTIVATION ACTIVITIES AND PROTOCOLS

Applicant will completely shield greenhouses with using light deprivation tarps so that little to no light escapes at night. Applicant will comply with the International Dark Sky Standards for lighting as outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

Applicant's power source for cannabis operations will be an on-site generator. The diesel generator is mounted on trailers and is built and contained for all weather outdoor use. Applicant will install drip pans equipped with water/fuel separating filters to generators to allow precipitation to flow out of the drip pan while trapping diesel fuel inside of the filter. When not in use, the generator will be stored indoors or taken off-site. Applicant will install sound mufflers to limit the amount of ambient noise from diesel generators to less than 50 dbs. to eliminate disturbance of potential habitat.

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

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

Applicant does not anticipate increased road activity for the cultivation activities listed above.

Applicant does not anticipate hiring employees for this cannabis operation.

2.2 NOMINAL SCHEDULE OF ACTIVITIES DURING EACH MONTH OF THE CULTIVATION AND HARVEST SEASON

January

- Inspect irrigation source and distribution systems; complete repairs as necessary
- Inspect and repair greenhouses
- Inspect property: water crossings, erosion and sedimentation areas; complete repairs as necessary.
- Inspect generator and containment; complete service and/or repairs as necessary
- Maintain vegetative clone "donor plants" in nursery greenhouse or other on-site facility
- Irrigation of vegetative donor plants

- Feeding application for vegetative donor plants once per week
- Inspect on-site chemical storage and containment; complete repairs as necessary
- Approximate Hours of Generator Use: 240-300 hours

February

- Inspect irrigation source and distribution systems; complete repairs as necessary.
- Inspect and repair greenhouses
- Check and inspect property: water crossings, erosion and sedimentation areas; complete repairs as necessary
- Amend mixed-light beds using composted materials and soil amendments
- Inspect generator and containment; complete service and/or repairs as necessary
- Inspect on-site chemical storage and containment; complete repairs as necessary
- Approximate Hours of Generator Use: 240-300 hours

March

- Inspect irrigation source and distribution systems; complete repairs as necessary
- Propagation and cloning of 1st run plants begins
- Clones maintained until adequate root growth (1-2 weeks)
- Planting of clones into 4" pots
- Irrigation of 1st run immature plants
- Feeding application for immature plants once per week
- Maintenance of immature plants
- Amend mixed-light beds using composted materials and soil amendments
- Inspect generator and containment; complete service and/or repairs as necessary
- Inspect on-site chemical storage and containment; complete repairs as necessary
- Approximate Hours of Generator Use: 360-400 hours

April

- Inspect irrigation source and distribution systems; complete repairs as necessary
- Maintenance of 1st run immature plants
- Feeding application for immature plants once per week
- Irrigation of immature plants
- Amend mixed-light beds using composted materials and soil amendments
- Inspect generator and containment; complete service and/or repairs as necessary
- Inspect on-site chemical storage and containment; complete repairs as necessary
- Approximate Hours of generator use: 360-400 hours

May

- Inspect irrigation source and distribution systems; complete repairs as necessary
- Transplant immature (1st run) plants into mixed-light greenhouses; begin flowering
- (Mixed-light) Feeding application once per week
- Irrigation of mixed-light greenhouses
- Maintenance, trellising and training flowering plants as necessary
- Inspect generator and containment; complete service and/or repairs as necessary
- Inspect on-site chemical storage and containment; complete repairs as necessary

- Approximate Hours of Generator Use: 360-400 hours

June

- Inspect irrigation source and distribution systems; complete repairs as necessary
- Irrigation of (1st run) mixed-light greenhouses
- (Mixed-light) Feeding application once per week
- Maintenance, trellising and training flowering plants
- Propagation and cloning of 2nd run plants begins
- Clones maintained until adequate root growth (1-2 weeks)
- Planting of 2nd run clones into 4" pots
- Irrigation of 2nd run immature plants
- Feeding application for immature plants once per week
- Inspect generator and containment; complete service and/or repairs as necessary
- Inspect on-site chemical storage and containment; complete repairs as necessary
- Approximate Hours of Generator Use: 360-400 hours

July

- Inspect irrigation source and distribution systems; complete repairs as necessary
- Harvest 1st run of mixed-light plants
- Amend mixed-light beds using composted materials and soil amendments as necessary
- Transplant immature (2nd run) plants into mixed-light greenhouses; begin flowering
- (Mixed-light) Feeding application once per week
- Irrigation of mixed-light greenhouses
- Maintenance and trellising flowering plants as necessary
- Inspect generator and containment; complete service and/or repairs as necessary
- Inspect on-site chemical storage and containment; complete repairs as necessary
- Approximate Hours of Generator Use: 360-400 hours

August

- Inspect irrigation source and distribution systems; complete repairs as necessary
- Irrigation of (2nd run) mixed-light greenhouses
- (Mixed-light) Feeding application once per week
- Maintenance, trellising and training flowering plants
- Propagation and cloning of 3rd run plants begins
- Clones maintained until adequate root growth (1-2 weeks)
- Planting of 3rd run clones into 4" pots
- Irrigation of 3rd run immature plants
- Feeding application for immature plants once per week
- Inspect generator and containment; complete service and/or repairs as necessary
- Inspect on-site chemical storage and containment; complete repairs as necessary
- Approximate Hours of Generator Use: 360-400 hours

September

- Inspect irrigation source and distribution systems; complete repairs as necessary
- Harvest 2nd run of mixed-light plants
- Amend mixed-light beds using composted materials and soil/or amendments as necessary
- Transplant immature (3rd run) plants into mixed-light greenhouses; begin flowering
- (Mixed-light) Feeding application once per week
- Irrigation of mixed-light greenhouses
- Maintenance and trellising flowering plants as necessary
- Maintain vegetative clone “donor plants” in nursery greenhouse or other on-site facility
- Irrigation of vegetative donor plants
- Feeding application for vegetative donor plants once per week
- Inspect generator and containment; complete service and/or repairs as necessary
- Inspect on-site chemical storage and containment; complete repairs as necessary
- Approximate Hours of Generator Use: 360-400 hours

October

- Inspect irrigation source and distribution systems; complete repairs as necessary
- Irrigation of (3rd run) mixed-light greenhouses
- (Mixed-light) Feeding application once per week
- Maintenance, trellising and training flowering plants
- Maintain vegetative clone “donor plants” in nursery greenhouse or other on-site facility
- Irrigation of vegetative donor plants
- Feeding application for vegetative donor plants once per week
- Inspect generator and containment; complete service and/or repairs as necessary
- Inspect on-site chemical storage and containment; complete repairs as necessary
- Approximate Hours of Generator Use: 360-400 hours

November

- Inspect irrigation source and distribution systems; complete repairs as necessary
- Harvest 3rd run of mixed-light plants
- Maintain vegetative clone “donor plants” in nursery greenhouse or other on-site facility
- Irrigation of vegetative donor plants
- Feeding application for vegetative donor plants once per week
- Approximate Hours of Generator Use: 360-400 hours

December

- Amend beds at end of season with composted material and/or soil amendments
- Complete site cleanup and winterization
- Inspect irrigation source and distribution systems; complete repairs and winterize as necessary
- Winterize greenhouses
- Inspect property: water crossings, erosion and sedimentation areas; complete repairs as necessary.
- Inspect generator and containment; complete service and/or repairs as necessary
- Maintain vegetative clone “donor plants” in nursery greenhouse or other on-site facility
- Irrigation of vegetative donor plants
- Feeding application for vegetative donor plants once per week
- Hours of generator use: 150-200 hours

PROCESSING PLAN AND ACTIVITIES

Plants will be hung and dried in an existing 80'x20' structure and processed at an off-site licensed processing facility. Applicant will identify permitted processing facility once permits for such facilities have been issued by the County.

3.0 SECURITY PLAN

3.1 SECURITY FEATURES

Applicant has implemented security measures to safeguard the product and prevent nuisance from occurring on the property. Perimeter fencing around the cultivation areas is in the process of being completed. Security gates are installed along all main roads. These gates will remain locked during normal operations and only opened for site access.

Applicant intends to install security cameras around the exterior of the proposed on-site processing facility, the cultivation sites, and at the entrances to the parcel.

A site superintendent and/or other security personnel will be on-site 24 hours per day, 7 days per week during the cultivation season.

3.2 TRACK AND TRACE

To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon the receipt of County permit. Applicant is a cultivation- member of DirectTHC, a California Non-Profit Medical Cannabis Collective, that provides medical cannabis to qualified patients and primary caregivers. Applicant will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis (2007).

4.0 EMPLOYEES

Initially, the applicant plans on hiring two employees with a projected maximum of five employees when operations are at full capacity. Drinking water will be supplied by bottled water imported to the operations site and restroom facilities will be provided by portable toilets located adjacent to work the main work area as noted on the Revised Cultivation Site Plan. Employee parking will be provided in the location noted in the Site Plan. No on-site housing will be provided for employees.

COPY

RECEIVED

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

APR 27 2016

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION No. 1600-2016-0021-R1

Unnamed Tributaries, Tributaries to Seeley Creek, Tributary to the Redwood Creek, Tributary to the South Fork Eel River, Tributary to the Eel River and the Pacific Ocean

Mr. Rama Boyd
Apexnorth Real Estate Investment LLC
Boyd Water Diversion and Culvert Installation Project
6 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on January 20, 2016, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Seeley Creek watershed, approximately 3.7 miles northwest of the town of Redway, County of Humboldt, State of California. The project is located in Section 6, T4S, R3E, Humboldt Base and Meridian; in the Ettersburg U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 220-311-31; latitude 40.1443 N and longitude 123.8904 W at the Point of Diversion-1 (POD).

PROJECT DESCRIPTION

The project is limited to six encroachments that include one location for water diversion (POD) and five culvert installations (table 1). A single spring is used as the water source for the property (POD-1). In addition, five culverts are proposed for replacement or initial installation to reduce erosion and reconnect stream channels.

Table 1. Project point locations and description.

ID	Latitude/Longitude	Description
POD-1	40.1481, -123.9054	Water diversion from a spring
Crossing-1	40.1445, -123.8905	Replace rolling dip with minimum 18" culvert
Crossing-2	40.1447, -123.8903	Install minimum 18" culvert to lessen flow within inside ditch
Crossing-3	40.1448, -123.8900	Install minimum 18" culvert to lessen flow within inside ditch
Crossing-4	40.1434, -123.8889	Replace failing 12" culvert with minimum size 18" culvert
Crossing-5	40.1437, -123.8889	Replace failing 12" culvert with minimum size 18" culvert

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to bed, channel, or bank and effects on habitat structure:

soil compaction or other disturbance to soil layer;
temporary increase in fine sediment transport;

Impacts to water quality:

increased water temperature;
reduced instream flow;
temporary increased turbidity;

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

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

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

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

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

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

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

2. Avoidance and Minimization Measures

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

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received with fees paid in full on January 20, 2016, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.

Stream Crossings

- 2.2 Work Period. All work shall be confined to the period June 1 through October 1 of each year. Work within the active channel of a stream shall be restricted to periods of minimal stream flow and dry weather. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 Vegetation Disturbance. Vegetation disturbance shall not exceed the minimum necessary to perform the work.
- 2.4 Bank Stabilization. The Permittee shall construct bank stabilization with suitable non-erodible materials that will withstand wash out. The bank stabilization material shall extend above the normal high-water mark. No debris or deleterious material shall be used as bank stabilization.
- 2.5 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffer dams shall be constructed of a non-erodible material which does not contain soil or fine sediment. Coffer dams and the stream diversion system shall remain in place and functional throughout the construction period. Coffer dams or stream diversions that fail for any reason shall be repaired immediately.
- 2.6 Culvert Installation.
- 2.6.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

- 2.6.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).
- 2.6.3 Culvert bed shall be composed of either compacted rock-free soil or gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.
- 2.6.4 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.
- 2.6.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.5 times the width of the active (bankfull) channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.7 Rock Armor Placement.

- 2.7.1 No heavy equipment shall enter the wetted stream channel.
- 2.7.2 No fill material, other than clean rock, shall be placed in the stream channel.
- 2.7.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.
- 2.7.4 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

- 2.8 Excavated Fill. Excavated fill material shall be placed in locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.

- 2.9 Runoff from Steep Areas. The Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures

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

- 2.10 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.11 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.12 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.13 Project Inspection. The Project shall be inspected by a Timberland Resource Consultants or a licensed civil engineer to ensure that the crossings were built per the conditions of this Agreement. A copy of the inspection report shall be submitted to CDFW within 90 days of completion of this project.

Water Diversion

- 2.14 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed 20% of the total flow at any time.
- 2.15 Bypass Flow. The Permittee shall pass sufficient flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.16 Forbearance Period. The Permittee shall add sufficient water storage and/or water conservation measures by May 15, 2016, and the Permittee shall forbear diverting stream flow from May 15 to October 15 of each year beginning in 2017. In 2016, the Permittee shall forbear diverting stream flow for irrigation from July 1 to October 15. This reduced period of forbearance allows for time to fill storage while adhering to the conditions of this Agreement (2.14 and 2.15).

- 2.17 Intake Structure. No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.18 Intake Shall Not Impede Aquatic Species Passage. The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.
- 2.19 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.20 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.21 Water Management Plan. **The Permittee shall submit a Water Management Plan no later than June 15, 2016**, that describes how forbearance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain irrigation needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 2.22 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the storage system. This measurement shall begin as soon as this Agreement is signed by the Permittee. The Permittee shall record the quantity of water pumped to and from the system on a weekly basis. Alternatively, the Permittee can record the frequency of pumping and the time to fill storage. Copies of the **water diversion records** shall be submitted to CDFW at the 619 Second Street, Eureka, CA 95501 office **no later than December 31 of each year beginning in 2016**.

CONTACT INFORMATION

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

To Permittee:

Mr. Rama Boyd
Apexnorth Real Estate Investment, LLC
P.O. Box 2456
Redway, California 95560
707-223-2789

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2016-0021-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

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

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

limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

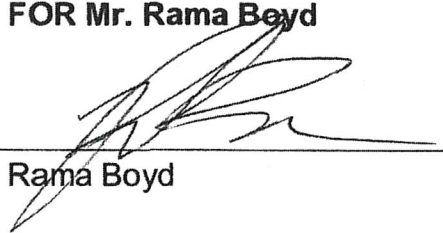
AUTHORIZATION

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

CONCURRENCE

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

FOR Mr. Rama Boyd



Rama Boyd

4-21-16
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Gordon Leppig

Senior Environmental Scientist Supervisor

4/28/16
Date

Prepared by: David Manthorne, Environmental Scientist, April 11, 2016

Recording Requested by:
County of Humboldt
Planning and Building Department

Return to:
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501-4484

2019-013580

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: HUMBOLDT CNTY

Pages: 3

Recording Fee: \$ 19.00
Tax Fee: \$0
Clerk: tn Total: \$19.00
Aug 06, 2019 at 03:51:39



CERTIFICATE OF SUBDIVISION COMPLIANCE

ASSESSOR'S REFERENCE NUMBER(S):

220-311-031

NUMBER OF PARCELS CERTIFIED: One (1)

APPLICATION NUMBER: 13996

PROPERTY OWNER(S) OF RECORD:

Utah Blue

CASE NUMBER: DS 18-002

NOTICE IS HEREBY GIVEN pursuant to Section 66499.35 of the California Government Code that the Humboldt County Planning and Building Department has determined that the real property described in EXHIBIT A attached hereto complies with the provisions of the California Subdivision Map Act and Humboldt County Ordinances enacted pursuant thereto.

THIS CERTIFICATE relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant grants of approval.

THIS CERTIFICATE does not certify that the real property for which this certificate has been issued is suitable for development in accordance with existing or future regulations.

ISSUED ON AUGUST 6, 2019

BY

John H. Ford, Director
County of Humboldt
Planning and Building Department

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this 6 day of August 20 19, before me, Tasheena Evenson
Notary Public, personally appeared **JOHN H. FORD** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Signature

(seal)



EXHIBIT A**PROPERTY DESCRIPTION**

All that portion of Section 6, Township 4 South, Range 3 East, Humboldt Meridian, being more particularly described as follows:

BEGINNING at a point located 12,029.93 feet North and 3,132.84 feet East from the Southwest corner of Section 18, Township 4 South, Range 3 East, Humboldt Meridian; thence North 54 degrees 41 minutes 18 seconds East, 859.22 feet to the true point of beginning of the land to be described herein, said true point of beginning also being the most Easterly corner on the Easterly boundary of the land described in Parcel One of the Deed to Jeffrey Knope, et al, recorded November 30, 1971, in Book 1114, Page 242, of Official Records of Humboldt County; thence from said true point of beginning, Northwesterly in a direct line, along the Easterly line of said last mentioned land, to the Easterly terminus of the North line of said last mentioned land; thence Westerly, along the Northerly line of the land described in the Deed to Knope, et al, above mentioned, to the Northwest corner of said last mentioned land, said corner also being the Northeast corner of the South half of Lot 6 of said Section 6; thence Northeasterly, along the Easterly line of said Lot 6 and continuing Northeasterly along the Easterly line of Lot 5 of said Section 6, to the Northeast corner of said Lot 5; thence South 22 degrees 59 minutes 55 seconds East, 306.41 feet to the Southwesterly terminus of Course No. 519 of Road "JJ" as shown on that certain Record of Survey filed on July 20, 1984 in Book 42, of Surveys at Pages 138 thru 145, Humboldt County Records, which course is described as "South 48 degrees 59 minutes 54 seconds West, 149.35 feet" on Sheet 7 of said Record of Survey; thence following said Road "JJ" in a general Northerly, Easterly and Southerly direction along the courses described in Sheet 5 of said Record of Survey, from the Southwesterly terminus of said Course 519 to the Southwesterly terminus of Course No. 510 of said Road "JJ", said last mentioned terminus also being the Southwesterly terminus of Course No. 135 of Road "BB", as shown on said Record of Survey; thence in a general Southerly direction following said Road "BB", along the courses described on Sheet 5 of said Record of Survey, from the Southwesterly terminus of said Course 135 of Road "BB" to the Southerly terminus of Course No. 161 of said Road "BB", said terminus also being the Southeasterly terminus of Course No. 488, of Road "HH" as shown on said Record of Survey; thence along said Road "HH", North 78 degrees 53 minutes 26 seconds West, 115.48 feet and North 67 degrees 48 minutes 38 seconds West, 182.12 feet to the centerline of an existing road; thence along the centerline of said existing road, South 54 degrees 46 minutes West, 133.98 feet, South 34 degrees 16 minutes West, 439.63 feet, South 19 degrees 07 minutes East, 259.04 feet and Southwesterly in a direct line 155 feet, more or less, to the Northeast corner of the land described in Parcel One of the Deed to James Edgar Burkholder and wife, recorded March 26, 1972, in Book 1130, Page 115, of Official Records of Humboldt County; thence South 83 degrees 32 minutes 38 seconds West, along the Northerly line of said last mentioned land, 599.16 feet to the true point of beginning.

EXCEPTING THEREFROM that portion described in the deed to Stuart B. Schonfield and wife recorded November 21, 1985 in Book 1782, page 1172, Humboldt County Official Records.

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
CALFIRE	✓	Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Environmental Health Division	✓	Conditional Approval	Attached
Building Inspection Division	✓	Other Comments	Attached
CA Department of Fish & Wildlife	✓	Other Comments	Attached
NWIC	✓	Further Study	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional Approval - Include inadvertent discovery language	On file with Planning
County Counsel		No response	
Cal Trans District 1		No response	
RWQCB		No Response	
Humboldt County District Attorney		No Response	
Humboldt County Agricultural Commissioner		No Response	
California Division of Water Resources		No Response	
Intertribal Sinkyone Wilderness Council		No Response	
Humboldt County Sheriff		No Response	
Briceland FPD		No Response	
Southern Humboldt Joint Unified School District		No response	

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
Date: August 29, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Elk Ridge Holdings, LLC
APN: 220-311-031-000
Area: Briceland
Case Numbers: SP16-129

Humboldt County Application #: 11022
Type of Application: Special Permit
Date Received: 8/22/2017
Due Date: 9/5/2017

Project Description: A Special Permit for an existing mixed-light medical cannabis cultivation operation of 10,000 square feet in size. Irrigation water is provided primarily from a permitted well. Additionally, the Applicant has a permitted surface diversion from a road side spring on the property per a signed agreement with the Department of Fish and Wildlife, which requires forbearance from May 15th to October 15th. A proposed rain catchment pond has been applied for to hold 430,000 gallons of water. Currently, there are 18,000 gallons of water tank storage on-site. Water demand for cultivation operations is estimated to be 135,000 gallons for a 180-day growing cycle consisting of four (4) cycles per season. No employees will be hired for this operation. No processing activities will be conducted on-site, all plants will be taken off-site to a permitted processing facility to dry, cure, and be trimmed. Power for cultivation activities is provided by a diesel generator.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

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

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7499

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 1-24-18

RE:

Applicant Name	ELK RIDGE HOLDINGS, LLC
APN	220-311-031
APPS#	11022

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 # 11022

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //

Exhibit "D"

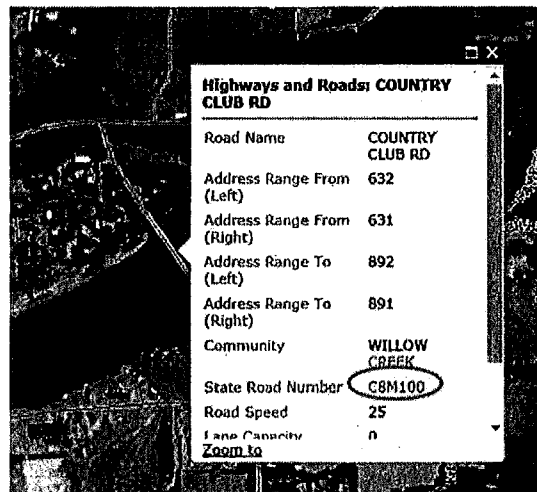
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD

A3M020 Murray Road
F6B165 Alderpoint Road
6C040 Thomas Road

Exhibit "D"

Road Evaluation Reports

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

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

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

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

Exhibit "D"**Road Evaluation Reports**

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Benbow Drive	6B180	Oakcrest Dr to end
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
McCann Road	6D090	PM 1.0 to P.M. 2.6 [End of County maintained]
Warren Creek Road	5L740	PM 0.0 to PM 0.95 [End of County maintained]
Spröwel Creek Road	6B095	PM 4.00 to PM 7.22 [End of County maintained]

// END //



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

DEH received
8-22-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

17/18-0389

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, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sinkyone, Sheriff's Department, Brice Land Fire Protection District, Southern Humboldt Joint Unified School District

Applicant Name Elk Ridge Holdings, LLC **Key Parcel Number** 220-311-031-000

Application (APPS#) 11022 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-129

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED

Comments:

DEH recommends approval with the following conditions:

(1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

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

Response Date: 10/9/2017 **Recommendation By:** Adam Molofsky

SP-16-129 Elk Ridge Holdings 11022

October 3, 2019

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

8/21/2017

PROJECT REFERRAL TO: Building Inspection 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, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sinkyone, Sheriff's Department, Briceland Fire Protection District, Southern Humboldt Joint Unified School District

Applicant Name Elk Ridge Holdings, LLC **Key Parcel Number** 220-311-031-000

Application (APPS#) 11022 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-129

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

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

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

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

Return Response No Later Than 9/5/2017

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

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

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

DATE: 7/13/18

PRINT NAME: Rudy Marengli

220-311-031



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46898/11022
Parcel No.: 220-311-031
Case No.: SP16-129

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

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

- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: Revise plot plan to show all grading over 50 cubic yards, all grading on slopes of 15% or more, all water tanks, the fertilizer storage shed south of NE most GH's with dimensions, all generators, and the GH's at the northern CA on the north side of the road.

Name: Rudy Marenghi

Date: 7/13/18

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



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

Applicant: Elk Ridge Holdings		Date: 9/26/2019	
APPS No.: 11022	APN: 220-311-031	DFW CEQA No.: 2017-0527	Case No.: 11022-SP
<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 9,600		

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.

- ☒ 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 as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft.
- ☒ Water for this Project is sourced from a groundwater well. It is estimated that water use may be as high as 253,000 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.
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2016-0386-R1) has been issued to the applicant.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ The referral materials state that there is a plan to construct a rainwater catchment pond onsite. CDFW requests:
 - CDFW requests, that the pond be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within

the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016.

- That the applicant install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.
 - That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood).
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Boreal Toad (*Anaxyrus boreas boreas*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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