



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 17, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Blue Ridge Farms Special Permits**
Record Number: PLN-11681-SP
Assessor's Parcel Number: 220-041-001
1470 Blue Slide Creek Road, Briceland area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Topo Map	7
Zoning Map	8
Aerial Maps	9
Site Plan	10
Attachments	
Attachment 1: Recommended Conditions of Approval	11
Attachment 2: Required Findings for Approval	19
Attachment 3: CEQA Addendum	35
Attachment 4: Applicant's Evidence in Support of the Required Findings	39
Attachment 5: Referral Agency Comments and Recommendations	99

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 17, 2019	Special Permits	Rodney Yandell

Project Description: A Special Permit for 5,616 square feet (sf) of existing mixed light and 4,384 sf of existing outdoor cannabis cultivation, for a total of 10,000 sf. Water for irrigation is sourced from an unnamed spring that is a tributary to Blue Slide Creek and rainwater catchment. Water is stored in three bladders, and ten hard tanks for a total of 114,550 gallons of available water storage. The Applicant proposes to install 23 5,000-gallon tanks to replace the bladders. Estimated annual water usage is approximately 120,000 to 150,000 gallons. Drying occurs in an existing on-site residence building. The applicant proposes moving this processing activity to a proposed on-site shop building. All other processing will be done by a licensed third-party off-site manufacturer. The applicant uses two full time employees. Electricity is provided by a grid-tied solar system, and backup generators. The project also includes a Special Permit for development within a Streamside Management Area as defined by Humboldt County Code Section 314-61.1 *Streamside Management Areas and Wetland Ordinance* for the point of diversion on the unnamed tributary to Blue Slide Creek.

Project Location: The project is located in Humboldt County, in the Briceland area, on the northeast side of Blue Slide Creek Road, approximately 2.25 miles northwest from the intersection of Briceland-Thorne Road and Blue Slide Creek Road, on the property known to be at 1470 Blue Slide Creek Road, Whitethorn, in the northeast quarter of the northeast quarter of Section 16, Township 04 South, Range 02 East.

Present General Plan Land Use Designation: Residential Agricultural (RA40) Humboldt County General Plan (GP), Density: 20 to 160 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Unclassified (U)).

Record Number: PLN-11681-SP

Assessor Parcel Number: 220-041-001

Applicant

Blue Ridge Farms
PO Box 931
Garberville, CA 95542

Owner

Jesse Kinsella
PO Box 931
Garberville, CA 95542

Agent

NorthPoint Consulting Group
317 3rd Street, Suite 15
Eureka, CA 95501

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

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

Major Issues: None.

BLUE RIDGE FARMS, LLC
Record Number: PLN-11681-SP
Assessor's Parcel Number: 220-041-001

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:

Move to accept staff's recommendation allowing for continued cultivation of 5,616 square feet (sf) of existing mixed light and 4,384 sf of existing outdoor cannabis cultivation, with onsite drying and off-site processing, installation of approximately a 115,000 gallons of tank storage, and development within a Streamside Management area in association with a point of diversion 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 Permits based on evidence in the staff report and adopt the Resolution approving the Blue Ridge Farms, LLC Special Permits as recommended by staff subject to the recommended conditions.

Executive Summary: A Special Permit for 5,616 square feet (sf) of existing mixed light and 4,384 sf of existing outdoor cannabis cultivation, for a total of 10,000 sf, and a Special Permit for development within a Streamside Management area in association with a point of diversion. The project is located on Assessor's Parcel Number (APN) 220-041-001, which is approximately 34.7 acres in size. The mixed-light cultivation currently occurs in six (6) 12'x78' greenhouses and the outdoor cultivation occurs in four areas including a 848 sf area; a 600 sf area, a 936 sf hoop-house, and a 2,000 sf area. The easternmost 12'x78' hoop house and adjacent 848 sf outdoor cultivation are proposed to be relocated due to slope grades (approximately 19%) and instability. To preserve slopes and reduce erosion and slide potential, this cultivation will be relocated to the western cultivation area. Within the western cultivation area, the current configuration of the cultivation is not efficient use of space and will be reoriented to better facilitate use of space and resources. The reorganized cultivation will consist of two (2) 12'x 78' greenhouses and three (3) 25'x 100' greenhouses. The site of the relocation will be fully remediated in accordance with the Less Than 3 Acre Conversion prepared by Mad River Properties, prescriptions include removal of all cultivation related materials, monitoring in accordance with the Site Management Plan, use of fiber roles for stability and sediment control, and mitigation for nine road points including installation of rolling dips, rocking ditches, and out sloping roads. Other best management practices (BMP's) including reseeding with a native grass seed mix, planting of four (4) native trees at the tow of the slope, and no further use of the site will occur. The Applicant anticipates two harvests per year and proposes a new 30'x40' drying facility. All other processing will be done by a licensed third-party off-site manufacturer.

The project site contains one existing 30'x40' residence and other existing structures and ancillary residential related facilities to infrastructure to enable cannabis cultivation. Other than the listed cultivation areas, the existing facilities include a 5'x6'- storage shed, solar panels, a 6'x6' shed for generators and solar inverter, a 10'x20' trash enclosure, propane tank, a residential cabin, an agricultural product storage shed, and a soil containment area adjacent to the existing cultivation area proposed for reorganization. Both the residence and cabin are served by a septic system and leach field. The Applicant will obtain applicable permits once the cannabis permit is issued. Cultivation will largely be performed by family members that live on the parcel during the cultivation season but up to two employees (independent contractors) during peak harvest season may be employed. Drying and curing of harvested cannabis would occur within the proposed drying facility. All power is provided by solar panels, with emergency back-up generators that include a Kolar 8.5 propane generator, a Honda EU 2000 gasoline generator and a Honda EU 6000 gasoline generator, which are housed in a storage shed with cement flooring to prevent accidental fuel releases.

Water for both domestic and irrigation is sourced from a spring diversion that is registered with the State Water Resources Control Board (SWRCB) and for which the Applicant has a Small Irrigation Use Registration (SIUR) for cannabis cultivation (SIUR Registration # H502040) and has a Statement of Diversion and Use

(S026548) and a final Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0069-R1) was issued by the California Department of Fish and Wildlife (CDFW) for the encroachment of the water diversion tributary to Blue Slide Creek. The Applicant submitted copies of this documentation which is on file with the Planning Department. The water diversion is a perforated bucket that is sealed to wildlife and gravity feeds to the water storage tanks through a 1" polyethylene pipe. A solar pump is used to move the water uphill to storage tanks where it is gravity fed to the cultivation.

Current storage onsite totals 114,550 gallons and includes two (2) 30,000-gallon capacity bladders, one (1) 10,000-gallon capacity bladder, two (2) 4,800-gallon capacity rainwater emergency tanks, five (5) 5,000-gallon capacity tanks, one (1) 3,200 gallon capacity tank, one (1) 2,800-gallon capacity tank, one (1) 1,200-gallon capacity tank, and five (5) 550-gallon capacity tanks. The water bladders are in the process of being phased out and replaced with hard plastic storage tanks. To meet forbearance requirements, the Applicant is proposing replacement with 23 (5) 5,000-gallon tanks for a total of 141,800 gallons of tank storage. The Applicant estimates that between 120,000-150,000 gallons of water are needed every year depending on weather conditions and strains grown (12-15 gallons/sf/year). All irrigation water is applied via a dripline and/or hand watering method are used to minimize water use. One of the 5,000-gallon tanks, and the 3,200-gallon tank are located on APN 220-041-008 to the south (not owned by the applicant). As a condition of approval, the Applicant will be required to record an easement for access to the two water tanks and for water conveyance infrastructure between the subject parcel and APN 220-041-008.

The Applicant retained NorthPoint Consulting Group to prepare a Site Management Plan (SMP) under the State Water Resources Control Board Order WQ 2017-0023 DWQ & NCRWQCB Order No. 2015-0023 as a Tier 1 discharger and WDID #1B161299CHUM. The SMP describes how the Applicant is complying with the applicable BMP's or as it is termed in the SMP, Best Practical Treatment of Control (BPTC) measures and submitting technical and monitoring report to assure compliance. The SMP identified several of these measures and they include activities both physical and biological erosion control measures including water run-off diversions (water bars, and swales) soil stabilization (mulching, ect.) and structural features, and using grassed waterways, temporary and permanent seeding, and use of cribbing, live seeding, etc. Other controls for sediment control such as lining conveyances, using basin traps, and hydroseeding may be used in accordance with the SMP. More specifically, per the request of the County, the Applicant addressed concerns and implemented measure set forth in the Humboldt County General Plan Water Resources Element including policies WR-G10, WR-P39, WR-P42, WR-S7, and WR-IM3. Monitoring to ensure measures are properly implemented will include written documentation, photographs, and a yearly check in.

The Applicant is implementing measures to reduce and/or eliminate cultivation related waste. The Cultivation and Operations Plan states that all BMP's are employed when storing, handling, mixing, during application and disposal of all fertilizers (worm castings, arctic humus, primal harvest, bat guano, granulated kelp, Dr. earth Bud and Bloom), pesticide and fungicides (Neem oil). All these materials are applied as as needed during the cultivation cycle. These cultivation related materials are stored in a locked storage room and located in excess of 300 feet from any watercourses. The existing stockpiled soil is located in a soil containment area adjacent to the cultivation areas also greater than 300 feet from the nearest water course. These locations are not wet or unstable, or where slope stability could be adversely affected. The spoil piles are not adjacent to wetlands and/or watercourses. Soils are composted from vegetative matter including rootballs, branches, and leaves in designated areas that are lined to prevent soil erosion or nutrient seepage. Spoils are amended in the planting beds and during the winter are covered to winterize and prevent erosion and nutrient runoff. Garbage and refuse is collected, contained, and disposed of at an appropriate facility, including for recycling where available.

The parcel is accessed from a private driveway off of Blue Slide Creek Road. All segments of Blue Slide Creek Road are meet (or are equivalent to) Road Category 4 standards for Cannabis Projects. The Applicant completed a Road Evaluation Report detailing with photos and showing this fact. This permit is conditional upon ensure that the sight-visibility requirements and obtaining an encroachment permit from the Department of Public Works for driveway improvements is met.

There is no known Northern Spotted Owl (NSO) activity center within less than 2.5 miles of the project area. In addition, the California Natural Diversity Database (CNDDB) indicates that other protected or sensitive

species are absent from the project site. Nonetheless a condition of project approval will be included related to noise and lighting and protection of the NSO. Due to noise and light restrictions that will be applied to both the current project and all other projects in the vicinity, there are no cumulative impacts to the Northern Spotted Owl habitat that are expected to occur.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in 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. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Special Permits.

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-**

**Record Number: PLN-11681-SP
Assessor Parcel Number: 220-041-001**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Blue Ridge Farms, LLC, Special Permits request.

WHEREAS, Blue Ridge Farms, LLC submitted an application and evidence in support of approving a Special Permit for the existing cultivation of or 5,616 square feet (sf) of existing mixed light and 4,384 sf of existing outdoor cannabis cultivation with off-site processing, and a Special Permit for development within a Streamside Management area in association with a point of diversion; 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 Permits (Record Number PLN-11681-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on October 17, 2019.

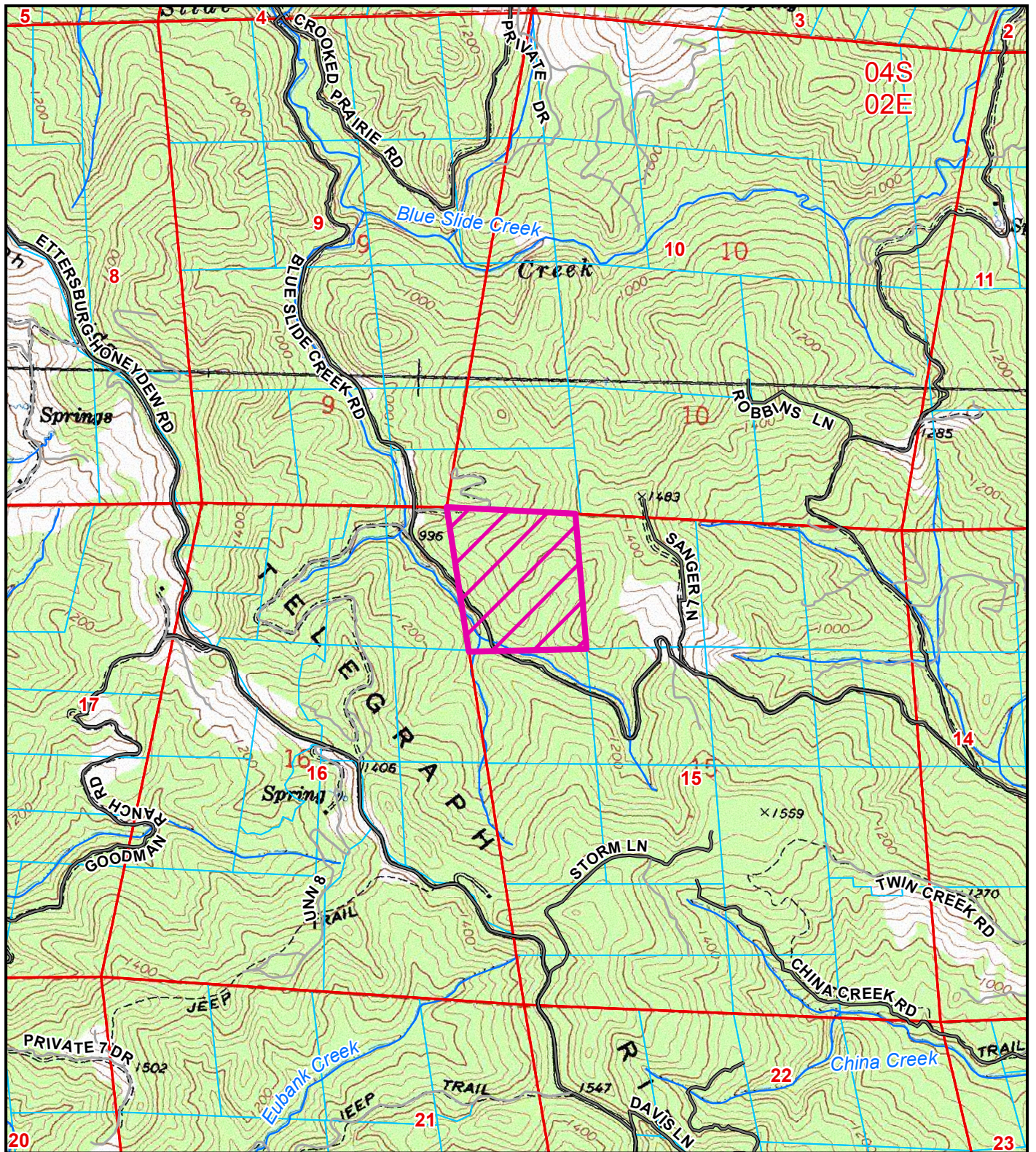
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

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 of the findings in Attachment 2 of the Zoning Administrator staff report for Record Number PLN-11681-SP based on the submitted substantial evidence; and
3. Record Number PLN-11681-SP is approved as recommended and conditioned in Attachment 1 for Record Number PLN-11681-SP.

Adopted after review and consideration of all the evidence on October 17, 2019.

I, John Ford, the Zoning Administrator of 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



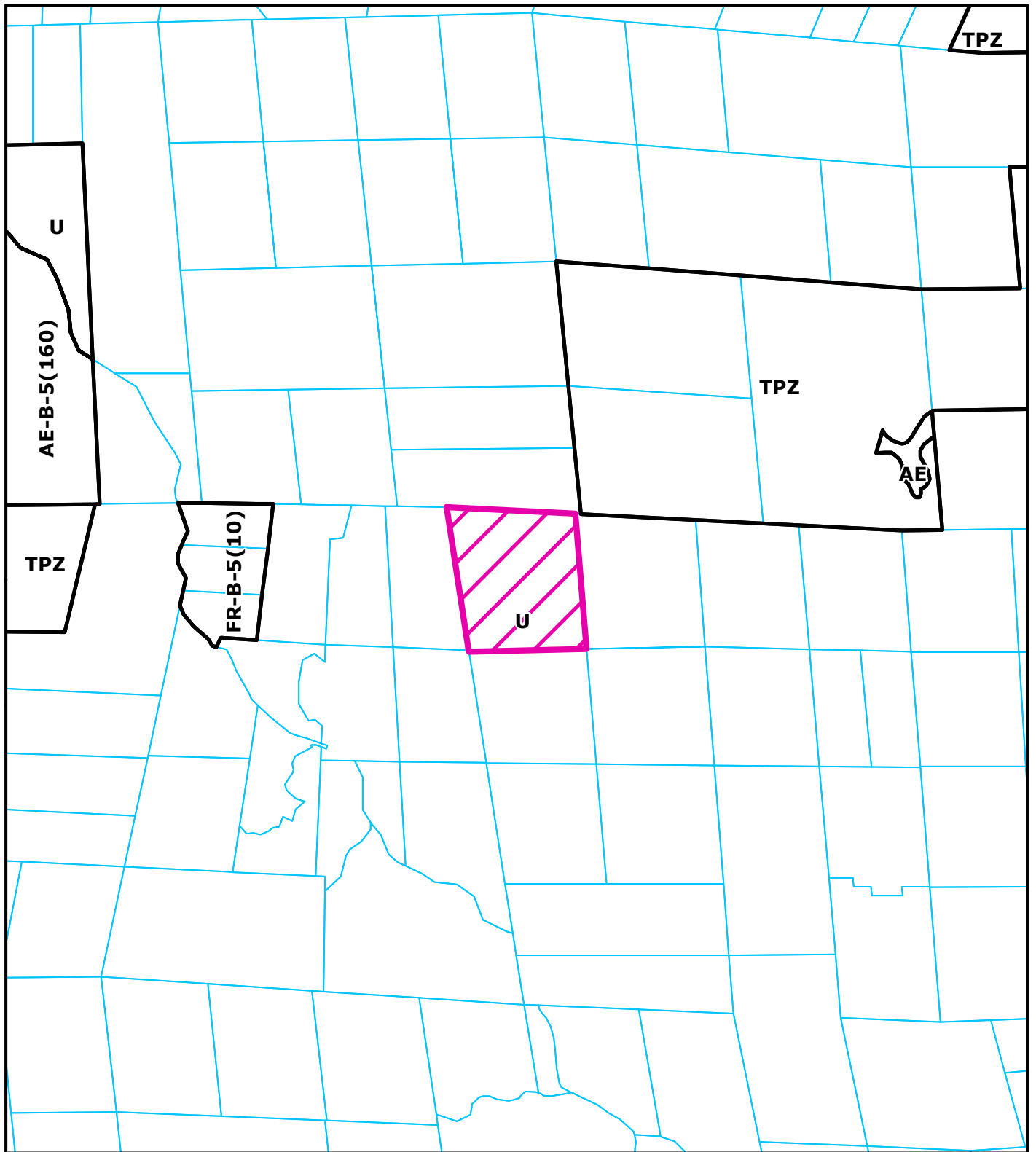
**TOPO MAP
PROPOSED BLUE RIDGE FARMS
BRICELAND AREA
SP-16-283
APN: 220-051-001
T04S R02E S15 HB&M (BRICELAND)**

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



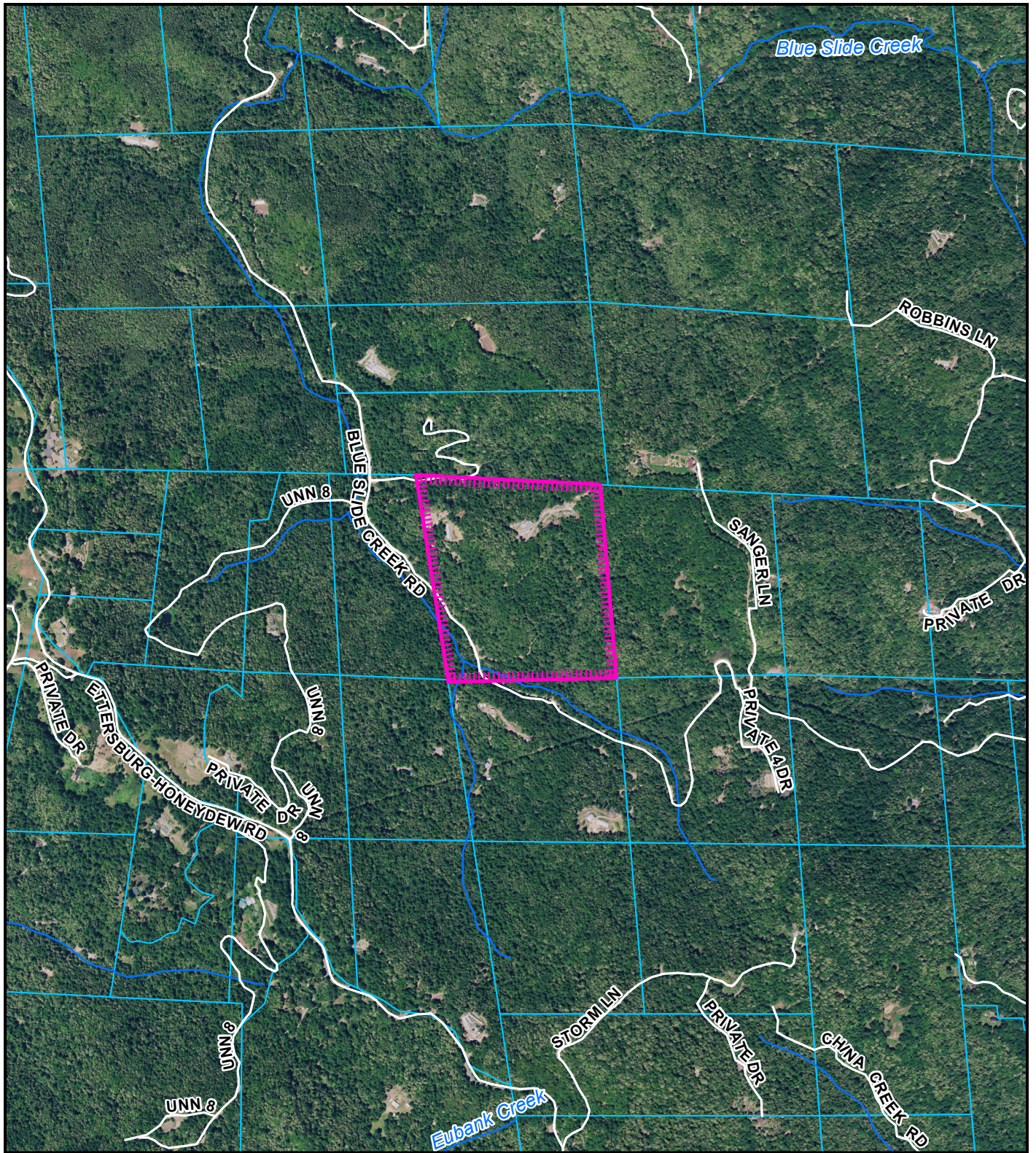


Project Area = 

**ZONING MAP
PROPOSED BLUE RIDGE FARMS
BRICELAND AREA
SP-16-283
APN: 220-051-001
T04S R02E S15 HB&M (BRICELAND)**

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.

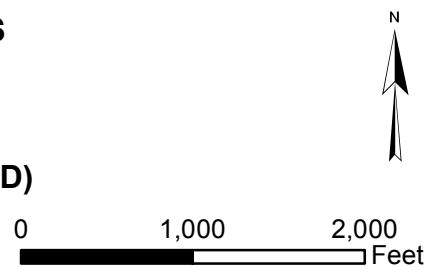
0 1,000 2,000 4,000 Feet



Project Area = 

**AERIAL MAP
PROPOSED BLUE RIDGE FARMS
BRICELAND AREA
SP-16-283
APN: 220-051-001
T04S R02E S15 HB&M (BRICELAND)**

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





VICINITY MAP
NOT TO SCALE

DIRECTIONS TO SITE:

- FROM EUREKA, CA
- TAKE US-101 SOUTH
- TAKE EXIT 642 TO REDWOOD DR.
- CONTINUE ONTO REDWOOD DR
- TURN RIGHT ONTO BRICELAND THORN RD
- CONTINUE STRAIGHT ONTO ETTERSBURG RD/ ETTERSBURG HONEYDEW RD
- SLIGHT RIGHT ONTO ETTERSBURG HONEYDEW RD
- MERGE ONTO BLUE SLIDE CREEK RD
- TAKE LEFT AT DRIVEWAY

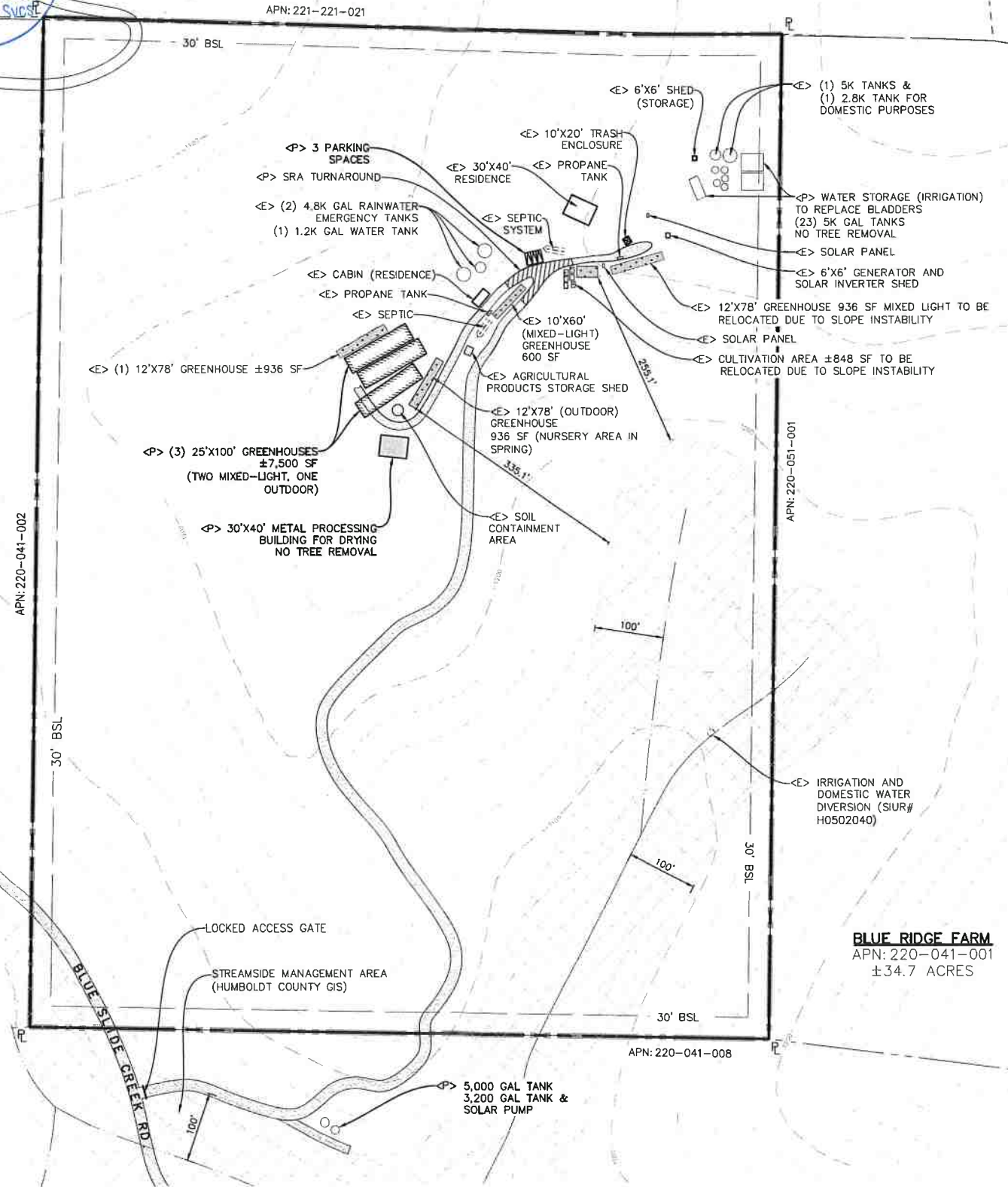
GENERAL NOTES:

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
- THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
- ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE SPECIAL PERMIT.



BLUE RIDGE FARM, LLC SPECIAL PERMIT

APN: 220-041-001



PROJECT DESCRIPTION:

BLUE RIDGE FARM IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMLUO), NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 10,000 SF COMMERCIAL CANNABIS CULTIVATION AREA INCLUDING 5,616 SQUARE FEET (SF) OF MIXED LIGHT AND 4,384 SF OF OUTDOOR. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, FACILITIES FOR DRYING AND CURING OF CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

PROJECT INFORMATION:

APPLICANT:
BLUE RIDGE FARM, LLC
PO BOX 931
GARBERVILLE, CA 95542

PROPERTY OWNER:
JESSE KINSELLA
PO BOX 931
GARBERVILLE, CA 95542

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

SITE ADDRESS:
APN: 220-041-001
1470 BLUE SLIDE CREEK RD.
REDWAY, CA 95560

TREES TO BE REMOVED = NONE

EXISTING MIXED LIGHT CULTIVATION AREA = 5,616 SF
EXISTING OUTDOOR CULTIVATION AREA = 4,384 SF
TOTAL EXISTING CULTIVATION AREA = 10,000 SF

WATER = PRIVATE
SEWER = PRIVATE
PARCEL SIZE = ±34.7 ACRES
ZONING: = RA40 (RESIDENTIAL AGRICULTURE)
GENERAL PLAN DESIGNATION = AL40 (FRWK)

BUILDING SETBACKS:

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

MAX. BLDG. HT. = NONE SPECIFIED

SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = NO

BLUE RIDGE FARM
APN: 220-041-001
±34.7 ACRES



PLOT PLAN

11x17 SHEET: 1"= 200'



REVISIONS

DATE

NORTHPOINT CONSULTING GROUP, INC.
317 3rd Street, Ste. 15 Eureka, CA 95501

PROJECT: BLUE RIDGE FARM

1470 BLUE SLIDE CREEK RD. REDWAY CA 95560

PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJ. MGR: RJ

DRAWN BY: CC

DATE: 05/25/19

SCALE: AS SHOWN

SHEET

C0

18-083

APN: 221-221-021



PROJ. MGR.: RJ
DRAWN BY: CC
DATE: 06/26/19
SCALE: AS SHOWN

SHEET
C1
18-083

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 –14. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for the any unpermitted structures and grading related to the commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The applicant shall 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.
4. The driveway onto Blue Slide Creek Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
5. The applicant shall record an easement for access to two water tanks and for water conveyance infrastructure between the subject parcel and APN 220-041-008.
6. The existing driveway shall be paved for a minimum width of 18 feet and a length of 50 feet where it intersects Blue Slide Creek Road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
7. The applicant shall maintain a dedicated fire tank with a minimum 2,500-gallon capacity that will be clearly labeled and outfitted with appropriately sized connectors per CALFIRE specifications.
8. The applicant shall secure permit(s) for the on-site sewage disposal system and restroom facility for use by employees. Portable toilet and handwashing facilities may be utilized during the construction of these permanent improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees either through 2019 or until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
9. The Applicant shall replace the existing water bladders with hard sided tanks prior to the issuance of the final cultivation permit.
10. The applicant shall prepare and implement all corrective actions detailed within the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the

monitoring element. A copy of the reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB. A letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB 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.]

11. 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.
12. 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.
13. Noise generated from generators, fans, and dehumidifiers shall not exceed 50 db at 100 feet from the source or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. No mixed-light is authorized by this permit until a light and noise attenuation plan, developed in consultation with the Planning Department and California Department of Fish and Wildlife, is approved by the Planning Director.
14. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No mixed-light is authorized by this permit until a light and noise attenuation plan, developed in consultation with the Planning Department and California Department of Fish and Wildlife, is approved by the Planning Director.
15. A copy of the Notice of Applicability and reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
16. The applicant shall ensure that the existing generators are operated within generator storage sheds with secondary containment. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW.
17. 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.
18. 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.

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. WQ 2017-0023 DWQ & NCRWQCB Order No. 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. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, generators, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, 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. 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.
17. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
18. 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

19. 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."
20. 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).
21. 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.
22. 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.

23. 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.

24. 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.

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

26. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #25 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.

27. 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.

28. 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 for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- 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 State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), 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 State of California MAUCRSA

29. 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 Commercial Cannabis.

30. 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 or 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 violation(s) 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 violation(s) 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 #26 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. General Plan Consistency. The following table documents the evidence that the proposed action is in conformance with all applicable policies and standards in 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 designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA40 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 20 -160 acres/unit.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of for 5,616 square feet (sf) of existing mixed light and 4,384 sf of existing outdoor cannabis cultivation, for a total of 10,000 sf on lands designated as Residential Agriculture. General and intensive agriculture and similar compatible uses 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 parcel is accessed from a private driveway off of Blue Slide Creek Road. The Applicant completed a Road Evaluation Report with photo documentation certifying that all roads meet the equivalent of Category 4 standards. This permit is conditional upon meeting sight-visibility requirements and obtaining an encroachment permit from the Department of Public Works for driveway improvements.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3). Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.	The proposed project is located within an Open Space Action Program because the project site is zoned Unclassified. General agriculture is a use type permitted in the Residential Agriculture land use designation. General agriculture is also a principal permitted use in the Unclassified zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

<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 located greater than 2.5 miles from the nearest Northern Spotted Owl Critical Habitat. There is no Marbled Murrelet critical habitat within at least 3.5 miles of the subject parcel. Nevertheless, the project is located in a heavily forested area and potential habitat for Northern Spotted Owl is assumed. Power is supplied by solar power with emergency backup generators onsite. Mixed light greenhouses will use blackout tarps when artificial lighting is in use. The project is conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that any project related noise shall be contained to the extent feasible (e.g. containment of the back-up generator, 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 CNDDDB indicates that there is mapped habitat for southern torrent salamander (<i>Rhyacotriton variegatus</i>) within 750 feet of the project site. According to CaliforniaHerps.com, A Guide to the Amphibians and Reptiles of California (www.californiaherps.com – accessed September 25, 2019), southern torrent salamander are found in shallow, cold, clear, well-shaded streams, waterfalls and seepages, particularly those running through talus and under rocks all year, in mature to old-growth forests. Occasionally found in riparian vegetation adjacent to water, but usually found in contact with water. Found primarily in waters on north-facing slopes in the southern part of their range where forests are warmer and drier. Aquatic larvae live in clear shallow water and still, mucky water in creeks, often with accumulated leaves. According to the site plan, there is no potential habitat for southern torrent salamander within 255 feet of the developed areas of the parcel and no significant impacts are anticipated.</p> <p>The relocation site will be fully remediated to include removal of all cultivation related materials, monitoring in accordance with the Site Management Plan, use of fiber roles for stability and sediment control, and mitigation for nine road points including installation of rolling dips, rocking ditches, and out sloping roads.</p> <p>The only water source will be a diversion that is registered with the State Water Resources Control Board (SWRCB) and for which the Applicant has a Small Irrigation Use Registration (SIUR) for cannabis cultivation (SIUR Registration # H502040) and has a</p>
--	--	---

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		Statement of Diversion and Use (S026548) and a final Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0069-R1) was issued by the California Department of Fish and Wildlife (CDFW) for the encroachment of the water diversion. No other cannabis related facilities or structures are within an SMA. The nearest existing facilities are greenhouses approximately 255 feet. These will be relocated to a site greater than 335 feet from the SMA.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources). Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.	The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of Rohnerville Rancheria. The NWIC requested a cultural resources study while the Bear River Band of Rohnerville Rancheria recommended conditional approval of the project with the incorporation of the inadvertent discovery protocol. A condition of approval has been incorporated regarding inadvertent discovery protocol to protect cultural resources.
Conservation and Open Space Chapter 10 Scenic Resources Section 10.7	Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2). Related standards: SR-S4, Light and Glare.	The project will not be visible from of any scenic highways. The project involves outdoor and mixed light cultivation. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. These standards are included in the conditions of approval for the project.

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 had a Site Management Plan (SMP) prepared by NorthPoint Consulting Group under the State Water Resources Control Board Order WQ 2017-0023 DWQ & NCRWQCB Order No. 2015-0023 as a Tier 1 discharger and WDID #1B161299CHUM. The SMP identified seven corrective actions on the project site and two on an adjacent site that require permission from the other property owner. Completion of these measures would bring the site into compliance with the Order. The corrective actions include activities such as installing rocked rolling dips, cleaning inlets and outlets, and installing outslope rocked ditches. Conditions of Approval required the Applicant to adhere to the SMP and implement the corrective measures. A copy of the Notice of Applicability and reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>APN 220-041-001 contains a septic system and leach field that accommodates the residence and existing cabin. The Humboldt County Department of Environmental Health responded to referral in March of 2018, indicating that a site suitability report would be needed for the septic system or the provision of portable toilets would be required. This has been added as a condition of approval.</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 proposed project uses solar for power generation and three generators housed in a storage shed with concrete floor for emergency back-up power. The subject parcel is located in an area that does not require special noise attenuation measures. There are no mapped Northern Spotted Owls or other endangered wildlife within 2.5 miles. Nevertheless, the project is located in a heavily forested area and potential habitat for Northern Spotted Owl is assumed. Any project related noise shall be contained to the extent feasible (e.g. containment of the back-up generators, fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.</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>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 historic landslides, nor is it subject to liquefaction. Some of the existing cultivation areas occur in areas with an average slope of approximately 19%. The applicant will relocate these cultivation areas to a more suitable site adjacent to existing cultivation. The relocated areas will be reseeded and straw waddles will be installed or those in place will be maintained to reduce the potential for erosion. In addition, at least four native trees will be planted at the toe of the slope. The project area is seismically classified as medium instability. Conditions of approval require the applicant obtain grading permits for all existing and proposed development from the Building Inspection Division. With these considerations, the project does not pose a threat to public safety from exposure to natural or manmade hazards.</p>
<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>None of the subject parcel is within the FEMA mapped 100-year flood zone. All developed areas, including all structures with a nexus to cannabis are outside of the 100-year flood zone. The proposed project will not alter the existing flood area, does not propose any new residential or civic uses, and will not result in any hazardous industrial uses within the existing flood zone. Additionally, cultivated vegetation is composted on site and reused as part of the applicant's soils management plan. Therefore, the proposed project will not store hazardous or acutely hazardous materials on site that could cause environmental harm during a flooding event. Lastly, the project site is not within a mapped dam or levee inundation area. The project site is approximately 7 miles east of the coast, and approximately 1,200 feet above mean sea level, thus, is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential 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 designated with high fire hazard severity. The project site is located within the Briceland Fire Protection District and the State Fire Responsibility Area (SRA) where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE comments recognized adequate mitigation for the previous forest conversion but did not comment on the recommended compliance with the requirements of the County's Fire Safe, Resource Management, and Cannabis Regulations. Nonetheless, the Applicant will comply with these requirements. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The project site contains several existing water tanks totaling 45,250 gallons which could provide additional fire protection on site. Conditions of approval for the project require the applicant to designate water storage for fire prevention and 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 project site is located within the Briceland Fire Protection District.</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>	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
§314-8.1 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel known as APN 220-041-001 is one separate legal parcel. Parcel was created by conveyance recorded in grant deed dated July 22, 1968 between Landway Corp. and Korngiebel party recorded in Vol. 971 at Office of Records page 453, Humboldt County Records. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1 Unclassified (U)	Unclassified (U): All of the unincorporated area of the County not otherwise zoned is designated as Unclassified.	The applicant is seeking a Special Permit for an existing cannabis cultivation for 5,616 square feet (sf) of existing mixed light and 4,384 sf of existing outdoor cannabis cultivation on property zoned U. The proposed use is specifically allowed with a Special Permit on property zoned U under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	6,000 sf	34.7 acres
Maximum Ground Coverage:	40%	< 40%
Minimum Lot Width:	50 feet	1,032 feet

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Maximum Lot Depth:	Three times the width	1,460 feet
Minimum Yard Setbacks:	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: lot 1 acre or larger: 30 feet	Front (south): >20 feet Rear (north): >10 feet Side (east): >30 feet >30 feet
Max. Building Height:	None specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas to implement the County's Open Space Element of the General Plan.	The only water source will be a diversion that is registered with the State Water Resources Control Board (SWRCB) and for which the Applicant has a Small Irrigation Use Registration (SIUR) for cannabis cultivation (SIUR Registration # H502040) and has a Statement of Diversion and Use (S026548) and a final Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0069-R1) was issued by the California Department of Fish and Wildlife (CDFW) for the encroachment of the water diversion. No other cannabis related facilities or structures are within an SMA. The nearest existing facilities are greenhouses approximately 255 feet away. These will be relocated to a site greater than 335 feet from the SMA.

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

<p>§314-55.4.8.2</p> <p>Timber Conversion</p>	<p>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.</p>	<p>There project site underwent a timber conversion on the property. The area to be relocated and remediated was converted prior to 2005 for a log landing and was subsequently expanded between 2012 and 2014 for cannabis cultivation. The relocation area will be moved to an environmentally superior area that already contains cultivation and there is space available within the existing footprint to accommodate the relocated cultivation. To remediate the relocation area, the Less Than 3-Acre Conversion prescribed the area be cleaned of all cultivation materials (greenhouses, imported soil, ect.). The existing conditions will be monitored to ensure they do not worsen, and the fiber roles will be maintained to aid in stabilization. In addition, a native grass seed mix will be spread in the area to revegetate and stabilize the slope. Approximately four native trees consistent with the surrounding vegetation that includes Douglas Fir, black oak, tanoak, and pacific madrones, will be planted at the toe of the slopes. No additional uses on this site are proposed or will occur. In a letter dated, September 22, 2017, CAL-FIRE responded stating that the mitigation as listed in the Less Than 3-Acre Conversion and as summarized above, is acceptable and appropriate and had no additional comments or recommendations.</p>
<p>§314-55.4.8.2.2</p> <p>Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>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.</p>	<p>The proposed action is a Special Permit for 5,616 square feet (sf) of existing mixed light and 4,384 sf of existing outdoor cannabis cultivation on property zoned U. Aerial imagery on Google Earth indicates that existing cultivation operations on the property began sometime before 2014. 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.</p>

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.10 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, holds no other cannabis activity permits, and is entitled to four. This application is for one cannabis permit.
§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.	Applicant will be drying cannabis on-site in the proposed drying facility. All other processing will be done by a licensed third-party off-site manufacturer.
§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 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>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.</p>	<p>All water for irrigation is sourced from a permitted diversion that is registered with the State Water Resources Control Board (SWRCB) and for which the Applicant has a Small Irrigation Use Registration (SIUR) for cannabis cultivation (SIUR Registration # H502040) and has a Statement of Diversion and Use (S026548) and a final Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0069-R1) was issued by the California Department of Fish and Wildlife (CDFW) for the encroachment of the water diversion. The SIUR requires that the Applicant divert no more than 0.50 acre-feet per year and that storage capacity not exceed 0.796 acre-feet. The SIUR also requires that diversion to storage will not exceed 42,000 gallons per day or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The LSAA agreement requires the Applicant to confine diversion of water from October 15 of one year to May 15 of the succeeding year to no more than three gallons per minute. From May 15 to July 1 in any year, the Applicant shall not divert more than 150 gallons per day in addition to not diverting more than three gallons per minute. There is currently adequate water storage between existing tanks and water bladders. The applicant proposes to install an additional 115,000 gallons of tank storage and will remove the bladders as a condition of project approval. Aerial imagery indicates that there is sufficient space on the parcel for the additional storage, if needed. Conditions of approval require the applicant to adhere to and implement all recommendations and requirements of SIUR from the SWRCB and the LSAA issued by CDFW. Based on the submitted evidence, the project complies with the referenced section.</p>
<p>§314-55.4.11.d Performance Standards-Setbacks</p>	<p>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).</p>	<p>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.</p> <p>The site plan shows that the project complies with 30-foot property line setbacks.</p>

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

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>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.</p>	<p>The proposed project uses solar for power generation and three generators housed in a storage shed with concrete floor for emergency back-up power. The subject parcel is located in an area that does not require special noise attenuation measures. There are no mapped Northern Spotted Owls or other endangered wildlife within 2.5 miles. Nevertheless, the project is located in a heavily forested area and potential habitat for Northern Spotted Owl is assumed. Any project related noise shall be contained to the extent feasible (e.g. containment of the back-up generators, 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>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 12, 2016.</p>

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. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. 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 to relocate cultivation to an environmentally superior existing area of cultivation. 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 220-041-001, 1470 Blue Slide Creek Road, Whitehorn, County of Humboldt

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

October 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."

The modified project involves a Special Permit for 5,616 square feet (sf) of existing mixed light and 4,384 sf of existing outdoor cannabis cultivation, for a total of 10,000 sf. Water for irrigation is sourced from an unnamed spring that is a tributary to Blue Slide Creek and rainwater catchment. Water is stored in three bladders, and ten hard tanks for a total of 114,550 gallons of available water storage. The Applicant proposes to install 23 5,000-gallon tanks to replace the bladders. Estimated annual water usage is approximately 120,000 to 150,000 gallons. Drying occurs in an existing on-site residence building. The applicant proposes moving this processing activity to a proposed on-site shop building. All other processing will be done by a licensed third-party off-site manufacturer. The applicant uses two full time employees. Electricity is provided by a grid-tied solar system, and backup generators. The project also includes a Special Permit for development within a Streamside Management Area as defined by Humboldt County Code Section 314-61.1 *Streamside Management Areas and Wetland Ordinance* for the point of diversion on the unnamed tributary to Blue Slide Creek.

The project site contains riparian habitat associated with the stream diversion; however, all related other project elements will be greater than 300 feet from the SMA. The nearest habitat for NSO is approximately 2.5 miles from the project site and the CDFW Resources Map shows no endangered species in proximity. Additionally, the project is conditioned to reduce the noise and light impacts should sensitive species be located in proximity. The project has been conditioned such that inadvertent discovery of cultural or archaeological resources that could be impacted from on-going cultivation will be reported.

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

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

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize 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 (see Attachment 4 for a complete listing of supporting documents):

- Site Management Plan prepared by NorthPoint Consulting Group.
- Less Than 3 Acre Conversion prepared by Mad River Properties.
- Final Lake or Streambed Alteration Agreement prepared by California Department of Fish and Wildlife.
- County GIS.
- Site Plan and Operations Plan for Blue Ridge Farms.

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. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A Cultivation and Operations Plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
 - 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. ((Attached - Site Management Plan prepared by NorthPoint Consulting Group, September 2018)
7.)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached – Final Streambed Alteration Agreement (Notification Number: 1600-2018-0069-R1) dated July 20, 2018)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (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 - Less Than 3 Acre Conversion prepared by Mad River Properties, Inc. dated September 13, 2017))

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 November 19, 2017. (Attached)
16. DEH Worksheet. (On file)



**BLUE RIDGE FARM, LLC
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**PROPOSED COMMERCIAL CANNABIS
CULTIVATION FACILITIES**

PREPARED FOR:



June 19, 2017
Revised April 2019



**Cultivation and Operations Manual
For
Blue Ridge Farm, LLC
APN: 220-041-001
Application #11681
Proposed Commercial Cannabis Cultivation Facilities**

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:

NorthPoint Consulting
Project Manager: Robert Jensen
(707) 798-6438
317 3rd St., Suite 15
Eureka, California 95501

In Consultation with:

Blue Ridge Farm, LLC
PO Box 931
Garberville, CA 95542

June 2017
Revised April 2019

TABLE OF CONTENTS

1. PROJECT SUMMARY	1-1
1.1. Project Objective	1-1
1.2. Site Description.....	1-1
1.3. Land Use	1-1
1.4. State and Local Compliance.....	1-1
2. CULTIVATION AND PROCESSING	2-2
2.1. Propagation and Initial Transplant	2-2
2.2. Mixed Light/Outdoor Cultivation Plan and Schedule	2-3
2.3. Irrigation Plan and Schedule.....	2-4
2.4. Harvesting, Drying, and Trimming	2-4
2.5. Processing Facility.....	2-4
2.6. Employee Plan	2-4
2.7. Security Plan and Hours of Operation	2-5
3. ENVIRONMENT	3-5
3.1. Water Source and Projected Water Use	3-5
3.2. Water Storage.....	3-6
3.3. Site Drainage, Runoff, and Erosion Control	3-6
3.4. Watershed and Habitat Protection	3-7
3.5. Monitoring and Reporting	3-7
3.6. Energy and Generator Use	3-8
3.7. Use and Storage of Regulated Products	3-8
3.8. Waste Management Plan	3-8
4. PRODUCT MANAGEMENT	4-9
4.1. Product Testing and Labeling	4-9
4.2. Product Inventory and Tracking	4-9
4.3. Transportation and Distribution	4-9

APPENDICES

Appendix A: Plot Plan

Appendix B: Cultivation Activities Schedule

Appendix C: References

Appendix D: Small Irrigation Use Registration

Appendix E: Executed Lake or Streambed Agreement

1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

BLUE RIDGE FARM, LLC is proposing to permit existing commercial cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Special Permit (SP) for approximately 5,616 square feet (sf) of mixed light commercial cannabis cultivation and approximately 4,384 sf of outdoor commercial cannabis cultivation for a total of 10,000 sf of cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including greenhouses, a cultivation facility for drying and curing of commercial cannabis, and appropriate water storage. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located at 1470 Blue Side Creek Rd, Redway, CA 95562, (APN 220-041-001). The subject parcel is approximately 34.70 acres in size (per recent property boundary survey), having fluctuating topography and slopes of between 10% and 50% gradient. A tributary to Blue Slide Creek flows southwesterly near the southern and eastern property boundaries. The site is almost completely forested with some patches in the northeast and northwest that are used for cultivation and an existing 1,200 sf residence. Other onsite structures include a cabin, sheds for generators, supplies, and storage, solar panels for electricity generation, and water storage infrastructure.

1.3. LAND USE

The subject property has a General Plan designation of Residential Agriculture (RA40) as identified by the Humboldt County General Plan and is zoned Unclassified (U). The property contains 0 SF of prime agricultural soils according the Humboldt WebGIS. Land uses surrounding the are comprised of residential, timber and agriculture. The surrounding parcels are zoned parcel Timber Production Zone (TPZ) and Unclassified (U).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Blue Ridge Farm, LLC holds an approved Provisional Adult-Use Cannabis Cultivation License through the California Department of Food and Agriculture (PAL18-0003023).

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for domestic and cultivation uses is provided by a spring. An initial statement of diversion and use has been filed and assigned ISDU #S026548 for riparian claim operations (direct diversion) from the spring. A Small Irrigation Use Registration has been filed for the appropriation of diverted water during the forbearance period (Certificate #H100198, Registration #H502040). See Appendix D for a copy of the Small Irrigation Use Registration.

Blue Ridge Farm, LLC will transition to coverage under State Water Resources Control Board General Order WQ 2017-0023-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities* by July 1, 2019.

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective September 6, 2016, Jesse Kinsella of Blue Ridge Farm, LLC enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of*

Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (WDID 1B1299CHUM). The applicant will transition to statewide coverage prior to July 1, 2019. A Water Resources Protection Plan was started by Manhard Consulting and updated by NorthPoint Consulting in 2018 to meet the requirements for the state-mandated Site Management Plan. The document details erosion control measures and sediment capture protocols that are being implemented on site. See section 3.3 for further details.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

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

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. Two (2) 4,800-gallon tanks and one (1) 1,200-gallon tank located near the residence collect and store rainwater for fire suppression and emergency purposes.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) has been obtained for the point of diversion (Notification No. 1600-2018-0069-R1). There are no stream crossings on the property. The agreement was executed on July 10th, 2018. See Appendix E.

1.4.7. CULTURAL RESOURCES

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

2. CULTIVATION AND PROCESSING

2.1. PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are propagated on site from seeds. The seeds start as a sprout on a towel for 2 days before being transplanted directly into one (1) gallon pots (see Appendix A for nursery location). The juvenile plants are irrigated using hand watering methods about two times a week. After 4-6 weeks, or until the sex is determined, the clones are then transplanted into beds in the ground with a soil and perlite medium and moved into either a greenhouse or outdoor cultivation area where they continue their 'vegetative' cycle. Juvenile plants may also be obtained from an off-site nursery during years, if necessary. Both plants that are propagated on site and brought it from the nursery will be watered using hand watering techniques as well as drip emitters to reduce runoff and conserve water. Drip emitters will be used once a day and hand watering will occur every third or fourth day.

2.2. MIXED LIGHT/OUTDOOR CULTIVATION PLAN AND SCHEDULE

The mixed light cultivation currently occurs in six (6) 12' x 78' greenhouses for a total of 5,616 sf and the outdoor cultivation currently occurs in an approximately 848-sf area, a 600-sf area, a 936-sf hoop house, and a 2,000 sf are for a total of 4,384 sf. The cultivation is proposed to be reorganized within the existing footprint into two (2) 12' x 78' greenhouses and three (3) 25' x 100' greenhouses (See Section 2.2.1).

The greenhouses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. The greenhouses utilize a combination of artificial light and light deprivation to produce up to two (2) flowering cycles per year, though the applicant is not using any lights to flower in 2019. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the mixed light cultivation operation for a typical three cycle year.

Blue Ridge Farm, LLC will follow the County's performance standards for mixed-light cultivation. In the future, when artificial lighting is in use, greenhouses will be shielded so that no light escapes the structure. Light will not escape at a level that is visible from neighboring properties between sunset and sunrise. In addition, the artificial light source will comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

2.2.1. PROPOSED RELOCATION, REORGANIZATION, AND REMEDIATION

Relocation: The eastern-most 12' x 78' (936 sf) hoop house and the adjacent ±848 sf outdoor cultivation area in pots are proposed to be relocated off of their current location due to slope grade and instability. The current location of the eastern-most 12' x 78' (936 sf) hoop house and the adjacent ±848 outdoor cultivation area in pots has a slope of approximately 19%, and numerous cracks / small slides are visible in the area. In the interest of protecting stability of the slope, decreasing the potential for sedimentation, and reducing impact to the area, the cultivation is proposed to be relocated to the eastern cultivation area.

Reorganization: The western area where cultivation currently exists (proposed relocation area) has slopes between 2% and 15% and is located more than 150 feet away from any watercourse. Currently, the greenhouses in the western area are spaced far apart and are placed at differing angles. The current configuration is not making efficient use of the space and is proposed to be reorganized to accommodate the approximately 1,784 sf of relocated cultivation. Two of the existing 12' x 78' greenhouses are proposed to remain (1,872 square feet), and three (3) new 25' x 100' (2,500 sf each, 7,500 sf total) greenhouses are proposed to be constructed. The 10' x 60' (600 sf) greenhouse in between the eastern and western cultivation areas is proposed to remain. Two of the new greenhouses and the existing 600 sf area will comprise the mixed-light cultivation. All proposed greenhouses and cultivation will take place within the existing footprint of cultivation. No expansion is proposed and not trees will be removed.

Remediation: The area to be relocated and remediated was historically converted prior to 2005 for the purposes of a log landing. It was expanded sometime between 2012 and 2014 for the purposes of cannabis cultivation, according to the Less Than 3 Acre Conversion. To remediate the area, all cultivation materials (including the greenhouse, imported soil, plant bags, and other cultivation-related materials) will be removed from the site. The early signs of instability will be monitored to

ensure they do not worsen in accordance with the Site Management Plan. Existing fiber roles will be maintained for ongoing stability and sediment capture. If erosion or sedimentation is observed, additional Best Management Practices (BMPs) and Best Practicable Treatment and Control Measures (BPTCs) for erosion control and sediment capture from the State Water Resources Control Board Cannabis Policy will be implemented.

In order to return the area to better than pre-cannabis cultivation condition, a native grass seed mix will be spread in the area to revegetate and stabilize the slope. Approximately four (4) native trees consistent with surrounding vegetation will be planted near the toe of the slope to provide additional stabilization. Surrounding vegetation includes Douglas Fir (*Pseudotsuga menziesii*), Black Oak (*Quercus velutina*), Tanoak (*Notholithocarpus densiflorus*), and Pacific Madrone (*Arbutus menziesii*). The trees will be visually monitored for successful growth. The area will be allowed to revegetate and is not proposed to be utilized for any other purpose.

2.3. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using top-feed hand watering methods and drip emitters. BLUE RIDGE FARM, LLC maintains that irrigation and fertigation is more efficiently managed via hand watering and drip emitters, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

2.4. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest will have their flowering branches removed and will be suspended in the proposed 30' x 40' drying facility. The drying process will take approximately one week. The dried flowers are then bucked into manageable buds. Trimming and further processing will occur off-site.

2.5. PROCESSING

No cannabis processing will occur on site. BLUE RIDGE FARM, LLC will contract with a licensed off-site processing facility and/or sell bulk cannabis to a licensed cannabis manufacturer.

2.6. EMPLOYEE PLAN

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

2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge*: Responsible for business oversight and management of the BLUE RIDGE FARM, LLC. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is full-time, year-round position.
- *Lead Cultivator*: Oversight and management of the day to day cultivation of cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.

2.6.2. STAFFING REQUIREMENTS

In addition to the *Agent* and *Lead Cultivator positions*, zero seasonal labor positions are employed, as the operation is a family-run business. During the peak harvest season, there may an estimated total

of two (2) additional part-time employees on site that are independent contractors. Part-time employees will drive to the site from their off-site residences. There is no proposed employee housing on site.

2.6.3. EMPLOYEE TRAINING AND SAFETY

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

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

2.6.4. TOILET AND HANDWASHING FACILITIES

The existing cabin has a restroom. The proposed residence will include one restroom, including a working flush toilet as well as a sink with hot and cold running water. Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 1320 feet from the restroom facility.

2.7. SECURITY PLAN AND HOURS OF OPERATION

2.7.1. FACILITY SECURITY

The cultivation facilities, including greenhouses, are located on the property behind the locked entry gate. The entry gates remain locked at all times and access to the cultivation area is limited exclusively to employees.

2.7.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours (likely 7 am to 7 pm), though hours may vary depending on the time of year.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

Water for domestic and cultivation uses are provided by spring located at latitude/longitude 40.117596/-123.954482. The spring point of diversion has been registered with the State Water Resources Control Board and has received a certified Small Irrigation Use Registration (SIUR) for cannabis cultivation (SIUR Registration #H502040). During a typical year, an average of approximately 120,000 – 150,000 gallons of water are used (Table 3.1). Variables such as weather conditions and

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
-	-	-	17,143	19,286	21,429	25,714	25,714	21,429	19,286	-	-

specific cannabis strains will have a slight effect on water use. BLUE RIDGE FARM, LLC utilizes water management strategies such as hand watering and drip emitters to conserve water use.

The spring diversion structure is an in-stream perforated bucket, sealed off to wildlife, which gravity-feeds water to storage tanks below through a 1" polyethylene pipe. From these tanks, which are proposed to be relocated out of the SMA buffer, water is pumped up the hill using a solar pump to additional storage near the residence. From storage near the residence, water is gravity-fed to cultivation.

3.2. WATER STORAGE

Current storage onsite totals 114,550 gallons and includes two (2) 30,000-gallon capacity bladders, one (1) 10,000-gallon capacity bladder, two (2) 4,800-gallon capacity rainwater emergency tanks, five (5) 5,000-gallon capacity tanks, one (1) 3,200-gallon capacity tank, one (1) 2,800-gallon capacity tank, one (1) 1,200-gallon capacity tank, and five (5) 550-gallon capacity tanks.

The bladders are in the process of being phased out and replaced by additional hard plastic storage tanks. To replace the capacity of the bladders and add additional water storage to meet irrigation demand through the forbearance period, approximately twenty-three (23) 5,000-gallon tanks are proposed to be installed onsite.

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

BLUE RIDGE FARM, LLC will be enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) will be developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.

3.3.1. SITE DRAINAGE AND RUNOFF

The site is hilly with surface flow in the wet season generally draining from the northwest to the residential area where the septic is located. Other drainage is directed from the south east to the center of the property. The driveway to the main residence has been rocked and drainage from the road has been disconnected from the stream system. Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

Cultivation facilities will meet all required setbacks from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

3.3.2. EROSION CONTROL

BLUE RIDGE FARM, LLC will utilize best management practices and BPTC measures in accordance with the Site Management Plan including but not limited to:

1. Maintenance of roads, including rocking and armoring.
2. Proper management of solid, liquid and cultivation waste (see section 3.8)
3. Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian and wetland areas.
4. Irrigation and application of fertilizers will be applied at argonomic rates.
5. Regulated products will be safely stored with secondary containment (see section 3.7)

Specifically, the applicant was requested to address the following erosion control measures addressed in the Humboldt County General Plan Water Resources Element:

- WR-G10: Blue Ridge Farm, LLC has minimal potential for complications with stormwater drainage. The roads are maintained in accordance with the WRPP/SMP and with the Less than 3-acre Conversion document, and thus is constructed with appropriate storm water management practices. The cultivation area is all-natural soil, allowing water to infiltrate, with natural drainage channels and erosion control BMPs implemented on site.
- WR-P39: Some existing outdoor cultivation in individual pots is located on a grassy area that is slowly eroding. As such, erosion control measures will be implemented, and the area is proposed to be relocated.
- WR-P42: Appropriate erosion and sediment control measures are being implemented on site, as described in the Site Management Plan.
- WR-S7: The project conforms to grading ordinance standards for erosion and sediment control.
- WR-IM3: The area proposed to be relocated has not been disturbed, degraded, or altered by the outdoor plant pots. The slope and vegetation of the area have not been disturbed. Other than removing the plant pots and implementing erosion control measures to prevent further erosion, no other restoration is planned. See Section 2.2.1 for further details.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the proposed best management practices ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures meet all required setbacks from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMPs and BPTCs in accordance with the NCRWQCB and SWRCB recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

3.5. MONITORING AND REPORTING

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

Onsite monitoring shall occur:

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

An Annual Report will be submitted prior to April 1st to the NCRWQCB through the SWRCB online portal.

3.6. ENERGY AND GENERATOR USE

On-grid electricity is provided by solar and a generator for all cultivation and domestic uses. Use of the on-site generator is limited to power outage events, and follows all guidelines set up by Humboldt County and the State of California. The generator is located in a reinforced generator shed designed to reduce noise to ensure the noise level does not exceed 60 decibels at the property line. The generator and diesel fuel are located within a secondary containment trough. The generators used on the property are a Kolar 8.5 Propane Generator and Honda EU 2000 and 6000 Gasoline backup generators. Oil changes are performed in the 60-sf generator shed, which is equipped with cement flooring.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within watertight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP) and the Site Management Plan (SMP).

3.7.2. FERTILIZERS

Nutrients and biological inoculants used for cultivation include:

- Worm Castings – 50 lbs
- Arctic Humus– 25 lbs
- Primal Harvest – 100 lbs
- Bat Guano – 200 lbs
- Granulized Kelp – 100 lbs
- Dr Earth Bud and Bloom – X Gallons

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

3.7.3. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Neem Oil – 1-2 Pints

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

3.7.4. FUELS AND OILS

Fuels and oils stored on site include:

- Propane Tank – 500 Gallons
- Gasoline – 20 Gallons

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling containers are located near the residence. The trash containers are enclosed within a fenced area to prevent animal intrusion. Solid waste and recycling is hauled off-site to Redway transfer station once per week or as needed. The garbage shed contains four (4) 32-gallon garbage cans and eight (8) 32-gallon recycling cans.

3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted in a designated area. The soil containment area is lined to prevent any soil erosion or nutrient seepage. The soils are amended in the bed and reused with occasional addition of Royal Gold Mendo Mix Soil or other soil mix. Used pots will be collected and stored in the barn for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility. Soil beds are tarped over to winterize cultivation areas.

3.8.3. WASTEWATER MANAGEMENT

Dripline and hand watering methods minimize the over-irrigation of plants and subsequent runoff. Water efficiency is implemented to reduce irrigation runoff.

The cabin and residence have an Onsite Wastewater Treatment System (OWTS). A septic system with a leach field is in place to serve both structures, and all applicable permits will be obtained after approval.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. Testing, labeling, and packaging is conducted off-site. All transactions involving product grown onsite will include METRC UID numbers.

4.2. PRODUCT INVENTORY AND TRACKING

Blue Ridge Farm, LLC will comply with all requirements of California Cannabis Track and Trace (CCTT) METRC, as required by the California Department of Food and Agriculture CalCannabis Division. METRC tracks product cultivated onsite from clone to packaged product, and ensures all product is accounted for and inventoried.

4.3. TRANSPORTATION AND DISTRIBUTION

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

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

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

Mad River Properties, Inc.

2660 Clay Road McKinleyville, CA 95519; (707) 496-0054

Jesse Kinsella
P.O. Box 931
Garberville, CA 95542

Jesse Kinsella Less Than Three Acre Conversion Mitigation Plan

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a Registered Professional Foresters (RPF's) recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act.

1. Contact Information

a. Timberland/Timber Owner of Record:

Jesse Kinsella
P.O. Box 931
Garberville, CA 95542

b. Registered Professional Forester Preparing Report:

Stephen Hohman RPF #2652
PO Box 733
Hydesville CA, 95547
(707) 407-7010

2. Location of Project

a. Site Address: NA

b. Community Area: Whitethorn

c. Assessor's Parcel No(s): 220-051-001

d. Parcel Size(s): 37.4 Ac.

3. Project Description

a. Timber stand characteristics including species composition and age class.

The Jesse Kinsella property is within a mixed Douglas fir/tanoak forest. The current composition consists primarily of a 60 year old even aged stand of second growth Douglas-fir, black oak, tanoak, and pacific madrone with a minor amount of other hardwood species. All species combined (conifer & hardwood) basal areas is approximately 260 square feet (sq. ft.) per acre with closed canopy. The property is zoned U (unclassified).

b. Watercourse and Lake Protection Zones (WLPZ) which exist within the boundaries of the parcel or immediate vicinity of the project (Section 916.4)

The property contains a class I, a class II and several class III watercourses that require WLPZ or ELZ protection. As per the Forest Practice Rules, the riparian buffers requirements are listed as follows:

Class I standard watercourse 14CCR 916.9(g): (Class I watercourses within the Coastal Anadromy Zone)

ZONE WIDTHS:

Channel Zone = channel between the WTL.
30' Core Zone and 70' Inner Zone

Class II standard watercourse 14CCR 916.9(g): (Class II watercourses within the Coastal Anadromy Zone)

ZONE WIDTHS:

Channel Zone = channel between the WTL.
<30% = 15' Core Zone and 50' Inner Zone
30%-50% = 15' Core Zone and 75' Inner Zone
>50% = 15' Core Zone and 100' Inner Zone

Class III watercourses 14CCR 916.9(h): (Class III watercourses within a coastal anadromy zone)

ELZ WIDTHS:

30 ft. for side slopes <30%.
50 ft. for side slopes >30%.

As per the zone widths listed above it appears that one Site is within the riparian zones of a class II watercourse and a class I watercourse. See Site discussion below for more specifics.

c. Describe the timber harvest history, including timber operations within the parcel prior to the unauthorized conversion.

The area has had at least one previous entree. The past harvesting incorporated the removal of large diameter old growth by tractor skidding.

d. Identify and describe any portions of the parcel that are part of the unauthorized conversion of timberland. Calculate the total acreage of all areas converted. Differentiate between discrete (non-contiguous) areas of conversion and provide relevant sub-totals of these acreages.

There are three sites, totaling 2.4 acres of converted land on the property.

4. Analysis of Consistency between Unauthorized Conversion and Applicable Forest Practice Rules.

Site A (Homestead)

History: The initial site was first converted for a log landing prior to 2005 and expanded for cannabis cultivation sometime between 2012 and 2014. No timber harvesting has occurred in or around this site in the last ten years. No permit was obtained from CALFIRE to clear the area for such activities. The conversion area is not within any riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. Ownership at the time of the initial illegal conversion is unknown.

Numbers of acres converted without 14CCR1104.1: **2.0**

Mitigations for Site: Road points (RP) are specific locations that are currently in conflict with the Forest Practice Rules or have potential to cause environmental damage. Road points have been identified from where the access road enters the property to and around the conversion site.

RP#1: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#2: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#3: Existing 18" diameter cross drain. Clean inlet and outlet. Clean inside ditch leading to inlet and rock line ditch with 2" to 4" diameter sharp angular rock for 50'. 14CCR 923.5

RP#4: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#5: Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#6: Existing 18" diameter cross drain. Clean inlet and outlet. Clean inside ditch leading to inlet and rock line ditch with 2" to 4" diameter sharp angular rock for 50'. 14CCR 923.5

RP#7: (not appurtenant) Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

RP#9: (not appurtenant) Drain surface drainage. Install rocked rolling dip. Line/cap the dip with 4" to 6" diameter rock to divert surface silt and debris off the road prism. 14CCR 923.5

Site B (Water Storage)

History: The initial site was an old logging road. Water tanks were placed here for cannabis cultivation in 2012. No timber harvesting has occurred in or around this site in the last ten years. No permit was obtained from CALFIRE to clear the area for such activities. The conversion area is within class II and class I riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. Ownership at the time of the initial illegal conversion is unknown. This site appears to be on the neighbor's property. It is recommended that a licensed surveyor establish the property line prior to performing mitigation operations.

Numbers of acres converted without 14CCR1104.1: **0.047**

Mitigations for Site: Road points (RP) are specific locations that are currently in conflict with the Forest Practice Rules or have potential to cause environmental damage. Road points have been identified from where the access road leaves the main access road to and around the conversion site.

Pull back operations to within project property boundary or obtain easement from current landowner. Remove water tanks and infrastructure from class II and class I riparian zones. Contour site to allow drainage. Seed and mulch exposed soil. 14CCR 923.5

RP#8: (not appurtenant) Drain surface drainage. Install outslope rocked ditch with outlet ditches every 60'. Line/cap the ditch with 4" to 6" diameter rock to capture surface silt and debris from the road prism and prevent erosion. 14CCR 923.5

Site C (Trespass Flat)

History: The site was cleared and graded in 2017 by the neighbors. The neighbors did not ask permission but instead tried to make a deal with the landowner. The issue was mostly settled when the neighbors payed the landowner the cost to re-grade the site to its natural contour. No timber harvesting has occurred in or around this site in the last ten years. No permit was obtained from CALFIRE to clear the area for such activities. The conversion area is not within riparian buffer zones. No rare, threatened or endangered animals and plants present within 1000' as per 2017 CNDDDB search. No hazard reduction issues present. Ownership at the time of the initial illegal conversion was Jesse Kinsella.

Numbers of acres converted without 14CCR1104.1: **0.35**

Mitigations for Site: Pull back fill and re-contour to the extent necessary to prevent water concentration or puddles, and gully formation or other forms of erosion. Newly contoured banks shall be less than 65% slope. Plant commercial tree species to meet minimum stocking requirements. 14CCR 923.5, 921.3

6. Photos, Figures, and Maps

Site A (Homestead)

A1) East of greenhouses looking west.



A2) East of greenhouses looking northwest.



A3) Northwest corner looking southeast.



A4) Southwest corner looking northeast.



A5) Near lower water bag looking southwest.



A6) Northwest area looking northwest.



Site B (Water Storage)

B1) Facing east



Site C (Trespass Flat)

C1) West of property boundary facing east. Property line; figure on right to pile of poles on left.

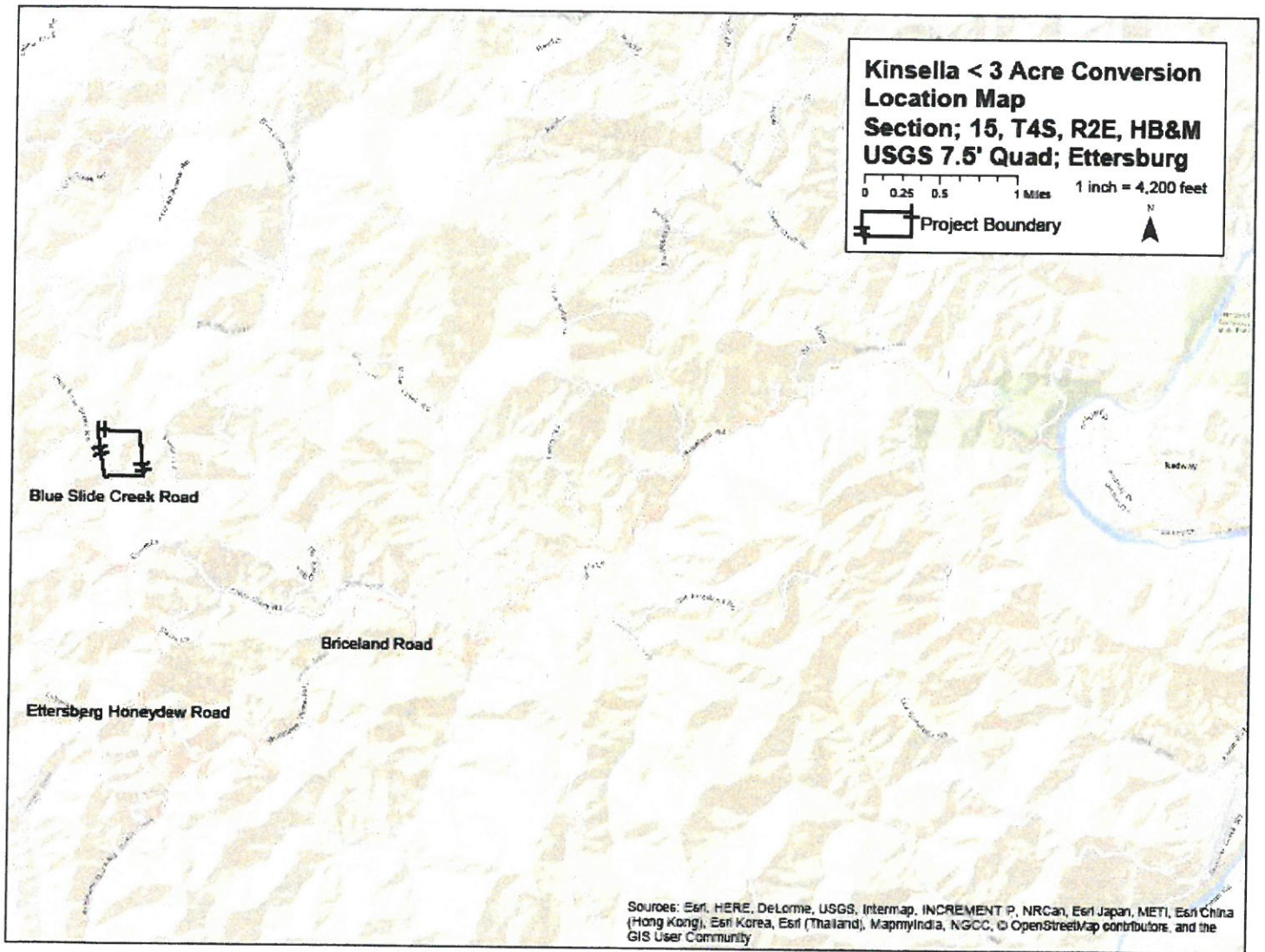


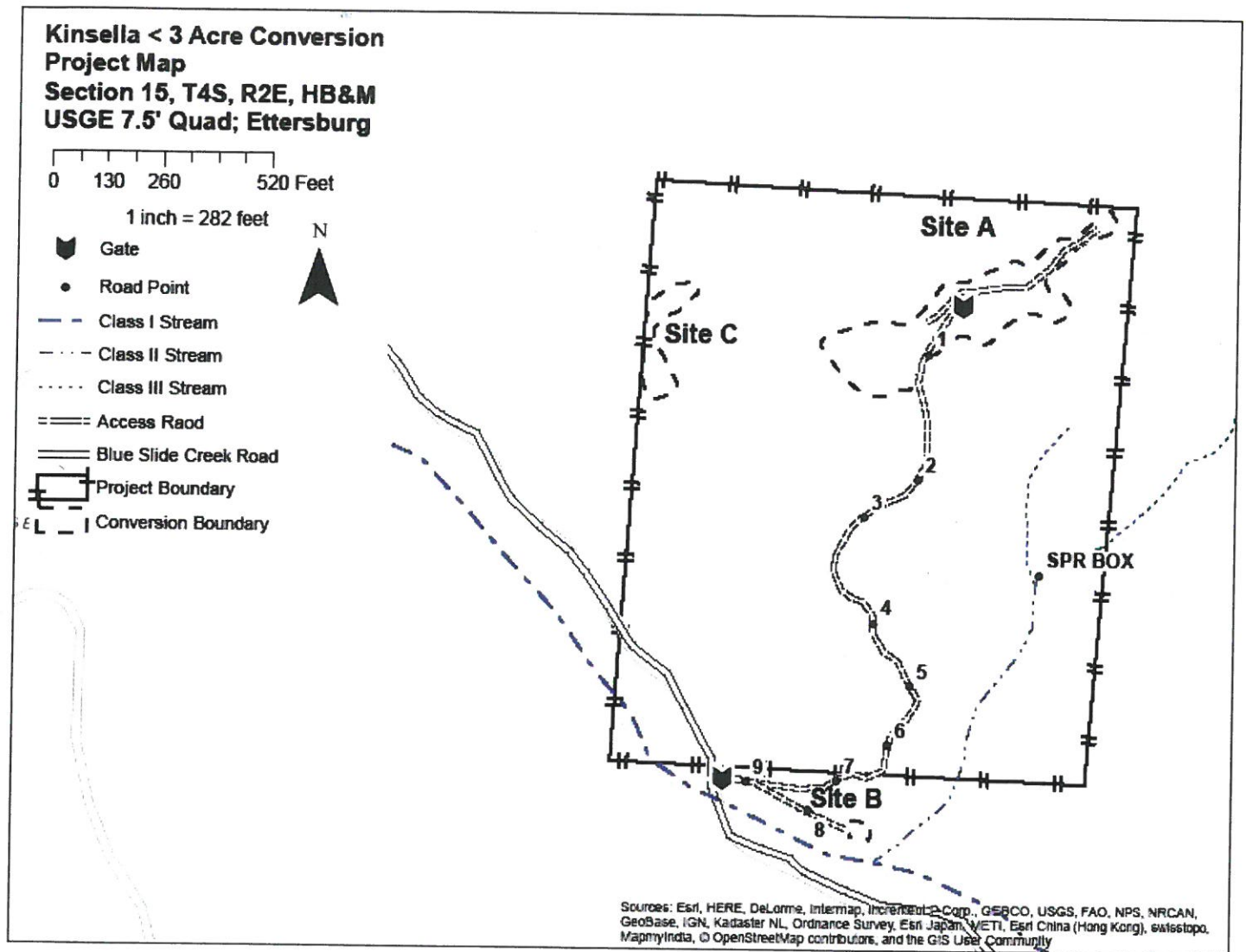
C2) Property line facing southeast.

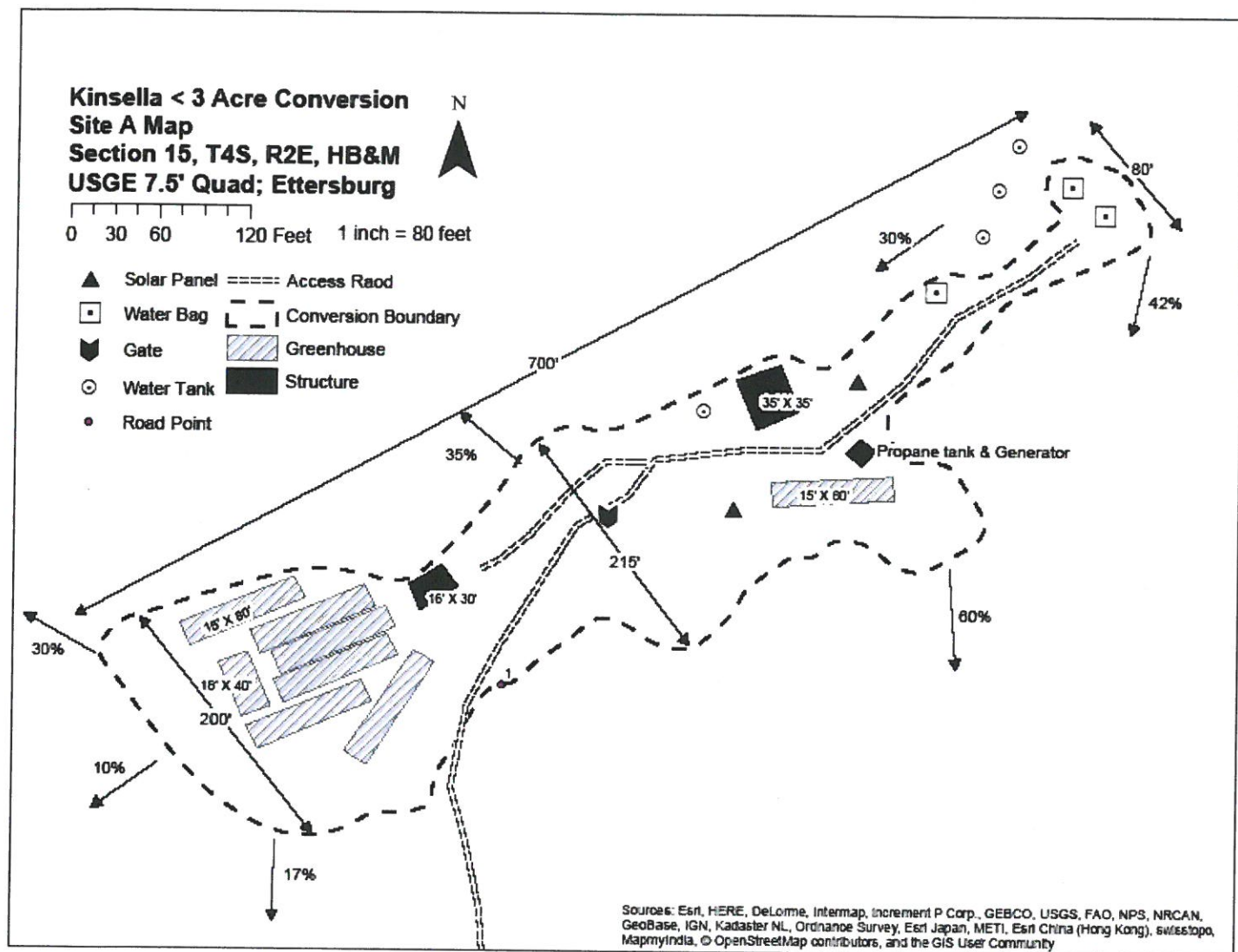


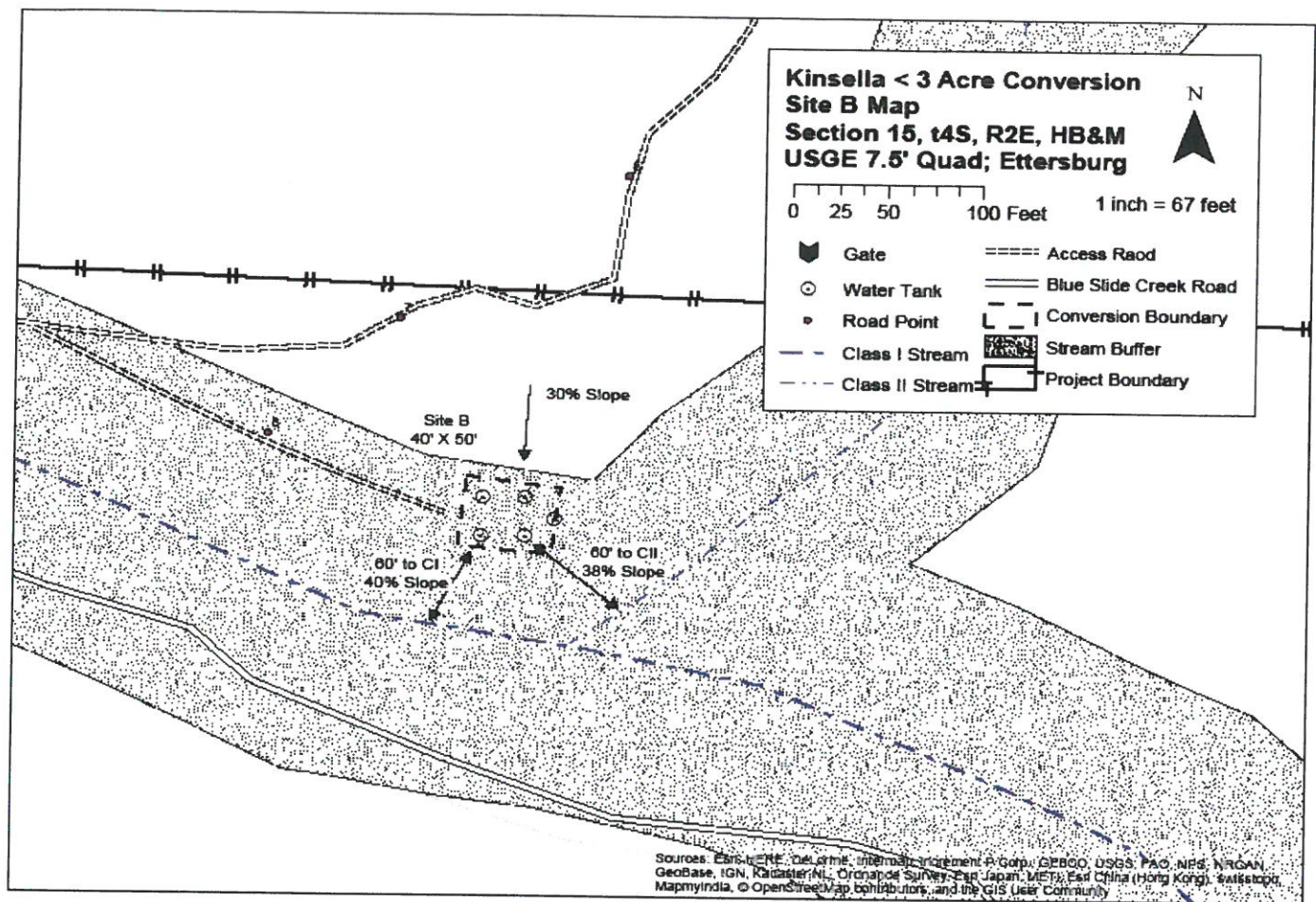
C3) Property line facing south.









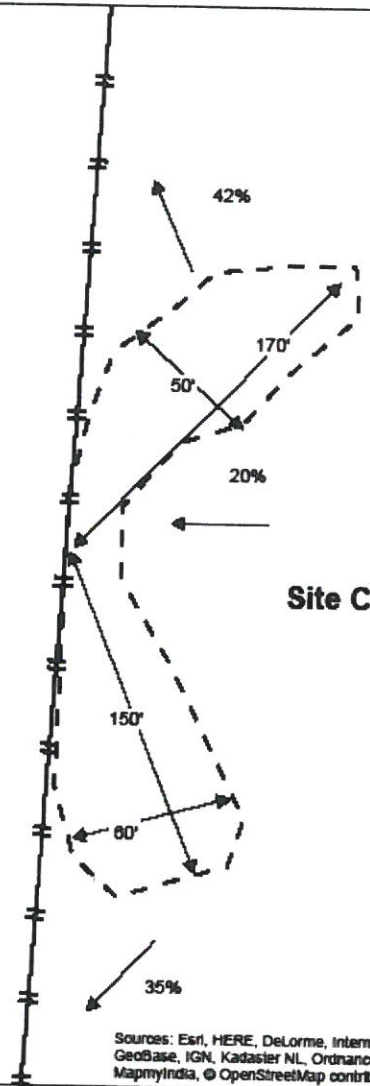


**Kinsella < 3 Acre Conversion
Site C Map
Section 15, T4S, R2E, HB&M
USGE 7.5' Quad; Ettersburg**

0 25 50 100 Feet

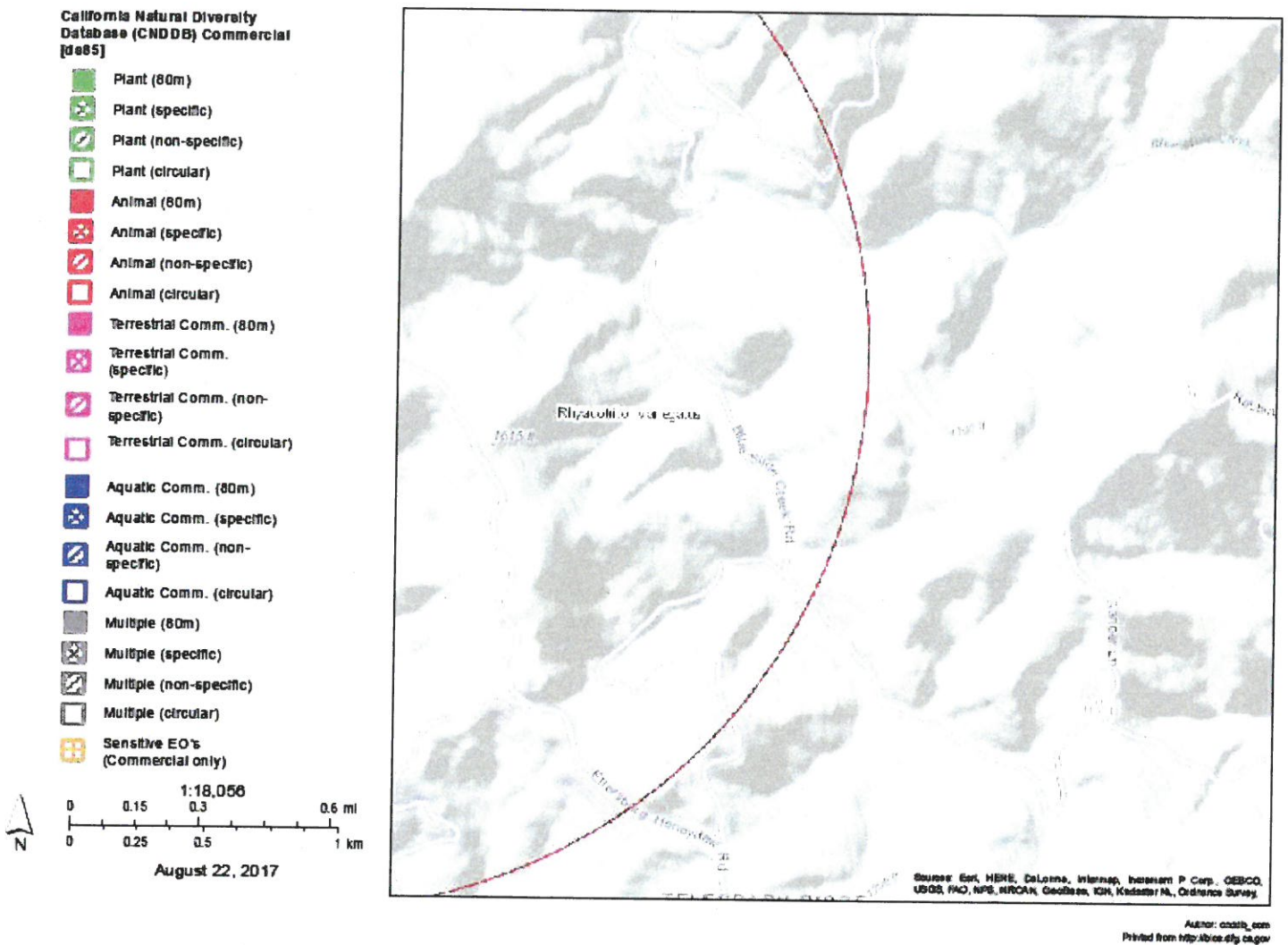
1 inch = 60 feet

Project Boundary
Conversion Boundary



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Kinsella



RECORDING REQUESTED BY
Humboldt Land Title Company
WHEN RECORDED RETURN TO
AND MAIL TAX STATEMENTS TO:

Name: Jesse Kinsella
Address: P.O. Box 934
Garberville, CA 95542

2012-017692-2
Recorded - Official Records
Humboldt County, California
Carolyn Cronin, Recorder
Recorded by: HUMSBOLT LAND TITLE
Rec Fee: \$15.00

Survey Map Fee: \$15.00
Doc Trf Tax: \$330.00

Clerk LH Total: \$355.00
Jul 11, 2012 at 11:31:15

Order No. 00142267-001-SW

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

THE UNDERSIGNED GRANTOR(s) DECLARE(s)
City of unincorporated area
Parcel No. 220-041-001

Documentary Transfer Tax is \$330.00

☒ computed on full value of interest or property conveyed, or
☐ full value less value of liens or encumbrances remaining at
the time of sale

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Nicole A. Devine, an unmarried woman,

hereby GRANT(s) to

Jesse Kinsella, a married man as his sole and separate property,

the following real property in the unincorporated area, County of Humboldt, State of California:

See Exhibit A attached hereto and made a part hereof.

Dated: June 26, 2012

State of California
County of Humboldt

On July 2, 2012 before me, Robin Elie
a Notary Public, personally appeared Nicole Anne Devine

Nicole Anne Devine
Nicole A. Devine

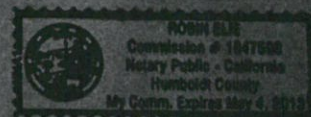
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature *Robin Elie*

My commission expires May 4, 2013



(This area for official notarial seal)

Exhibit A

DESCRIPTION

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE:

The Northeast Quarter of the Northeast Quarter of Section 16, Township 4 South, Range 2 East, Humboldt Meridian

PARCEL TWO:

A non-exclusive right of way for ingress, egress and public utilities over those strips of land designated as "Existing Private Roads" on the Record of Survey on file in the County Recorder's Office of Humboldt County, in Book 22 of Surveys, Page 66 to 69 inclusive.

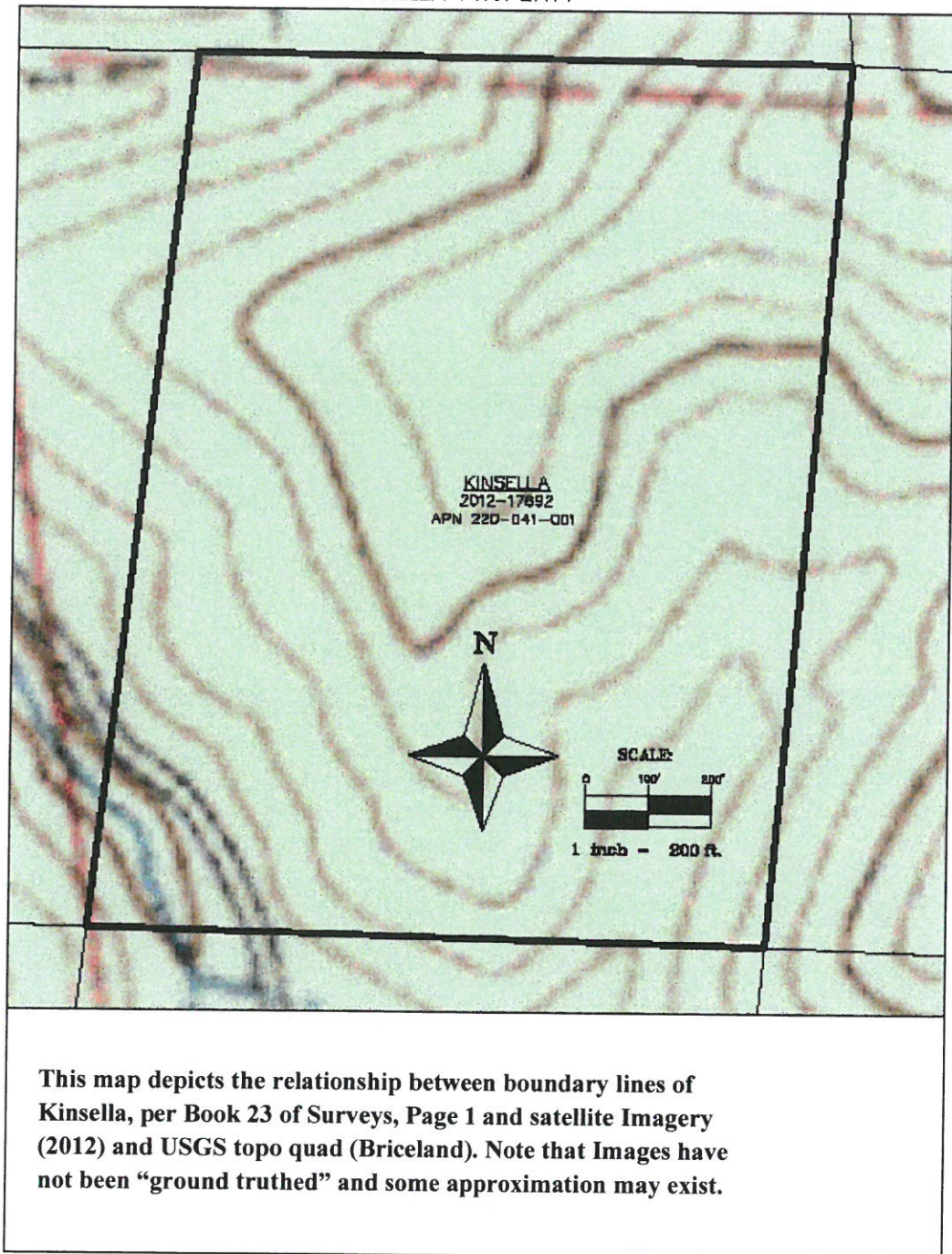
EXCEPTING from Parcel Two all that portion thereof lying Northerly of the South line of Parcel One above described, being the same as conveyed to Landway Corporation, a California corporation, by Deed recorded March 29, 1968 in Book 955 of Official Records, Page 524, under Recorder's Serial No. 4482, Humboldt County Records.

KINSELLA PROPERTY



This map depicts the relationship between boundary lines of Kinsella, per Book 23 of Surveys, Page 1 and satellite Imagery (2012) and USGS topo quad (Briceland). Note that Images have not been “ground truthed” and some approximation may exist.

KINSELLA PROPERTY



7. References

California Forest Practice rules, 2017; Title 14, California Code of Regulations, Chapters 4, 4.5, and 10

California Natural Diversity Database August 22, 2017 – <http://bios.dfg.ca.gov>

Parcel Quest Data – County Assessor information; <http://pqweb.parcelquest.com>

Land Owner of Record: _____

Signature: _____ Date: _____

Registered Professional Forester: Stephen Hohman RPF #2652

Signature:  Date: 9-13-17

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

RECEIVED

JUL 20 2018

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2018-0069-R1

Unnamed Tributary to Blue Slide Creek, Tributary to the Mattole River
and the Pacific Ocean

Jesse Kinsella
Kinsella Water Diversion Project
1 Encroachment



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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on January 29, 2018 that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Mattole River watershed, approximately 7 miles west of the town of Redway, County of Humboldt, State of California. The project is located in Section 15, T4S, R2E, Humboldt Base and Meridian; in the Briceland U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 220-041-001; latitude 40.1186 N and longitude -123.9552 W at the point of diversion (POD).

PROJECT DESCRIPTION

The project is limited to 1 encroachment (Table 1). The encroachment is for water diversion from an unnamed tributary to Blue slide Creek. Water is diverted for domestic household and cannabis cultivation use. Work for the water diversion will include use

and maintenance of the water diversion infrastructure. Permittee disclosed two appropriately sized and functioning 18 inch ditch relief culverts.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
POD-1	40.1186/-123.9552	Water is diverted using a perforated bucket and transferred through a ¾" poly pipe to storage for domestic household and cannabis cultivation use.

PROJECT IMPACTS

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

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

Impacts to water quality:

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

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

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

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

- cumulative effect when other diversions on the same stream are considered
- diversion of flow from activity site
- direct and/or incidental take
- indirect impacts
- impediment of up- or down-stream migration
- water quality degradation
- 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.
- 1.7 CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and

the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on January 29, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Vegetation Management

- 2.3 **Minimum Vegetation Removal.** No native riparian vegetation shall be removed from the bank of the stream, except where authorized by CDFW. Permittee shall limit the disturbance or removal of native vegetation to the minimum necessary to achieve design guidelines and standards for the Authorized Activity. Permittee shall take precautions to avoid damage to vegetation outside the work area.
- 2.4 **Vegetation Management.** Permittee shall limit vegetation management (e.g., trimming, pruning, or limbing) and removal for the purpose of stream crossing or diversion infrastructure placement/maintenance to the use of hand tools. Vegetation management shall not include treatment with herbicides.

Water Diversion

- 2.5 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.6 **Bypass Flow.** The Permittee shall pass **80% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.7 **Seasonal Diversion Minimization.** Permittee shall confine diversion of water from October 15 of one year to May 15 of the succeeding year to no more than 3 gallons per minute. From May 15 to July 1 in any year, Permittee shall not divert more than 150 gallons per day in addition to not diverting more than 3 gallons per minute. Water shall be diverted only if the Permittee can adhere to conditions 2.5 and 2.6 of this Agreement.

- 2.8 Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.8.1** A log including the date, time and quantity of water diverted from the POD.
 - 2.8.2** The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
 - 2.8.3** Permittee shall make available for review at the request of the Department the diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).
- 2.9 Water Management Plan.** The Permittee shall submit a Water Management Plan no later than sixty days from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water 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.

Water Diversion Infrastructure

- 2.10 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.
- 2.11 Intake Structure Placement.** Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.12 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.

- 2.13 **Exclusionary Devices.** Permittee shall keep the diversion structures (e.g. cistern) covered at all times to prevent the entrance and entrapment of amphibians and other wildlife.
- 2.14 **Diversion Intake Removal.** Permittee shall plug, cap, block (e.g., with a shut-off valve), or remove all intakes at the end of each diversion season.
- 2.15 **Heavy Equipment Use.** No heavy equipment shall be used in the excavation or replacement of the existing water diversion structure. The Permittee shall use hand tools or other low impact methods of removal/replacement. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.

Diversion to Storage

- 2.16 **Water Storage.** All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.17 **Water Storage Maintenance.** WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.18 **Reservoirs.** Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. Water shall be diverted to reservoirs only if the Permittee can adhere to conditions 2.9, 2.10 and 2.27-2.28 of this Agreement.
- 2.19 **Limitations on Impoundment and Use of Diverted Water.** The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.
- 2.20 **Water Conservation.** The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.21 **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.

Reservoirs

- 2.22 No Stocking. Stocking of fish, wildlife, or plant of any kind, in any Waters of the State, including reservoirs, shall be prohibited without written permission from the department pursuant to Section 6400 of the Fish and Game Code.
- 2.23 Invasive Species Management for Reservoirs. Permittee shall implement an invasive species management plan prepared by a Biologist for any existing or proposed reservoir. The plan shall include, at a minimum, an annual survey for invasive aquatic species, including the American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*). The Biologist, if appropriate, shall implement eradication measures if invasive aquatic species are identified as part of the survey.
- 2.23.1 Bullfrog Management Plan. If bullfrogs are observed, they shall be appropriately managed. Management of bullfrogs, including annual draining and drying of ponds, shall follow the guidelines in Exhibit A. A copy of the annual monitoring report, shall be submitted to CDFW in accordance with the reporting measures described in Exhibit A and below (Reporting Measure 3.3)
- 2.24 Off-stream reservoirs. Shall be appropriately designed, sized, and managed to contain any diverted water in addition to precipitation and storm water runoff, without overtopping. The Permittee shall 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. The spillway shall be designed and placed to allow for a minimum of two-feet of freeboard.
- 2.25 Wildlife Entrapment Prevention. The Permittee 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, made of solid material (e.g. wood), and be a minimum length of 1.5 times the radius of the pond. A notice of completed work, with supplemental pictures, shall be submitted to CDFW by December 31, 2018.

3. Reporting Measures

- 3.1 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.8) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2018**.

- 3.2 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.9) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.3 Invasive Species Management for Reservoirs. The Permittee shall submit all required documents described in the Invasive Species Management for Reservoirs (condition 2.24) including subsection 2.24.1, **Bullfrog Management Plan** (Exhibit A) no later than **December 31** of each year. The Bullfrog Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.4 Wildlife Entrapment Prevention. A notice of completed work (condition 2.27), with supplemental pictures, shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, by **December 31, 2018**.

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:

Jesse Kinsella
PO Box 931
Garberville, CA 95542
707-223-2449
jessechekinsella@gmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2018-0069-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.

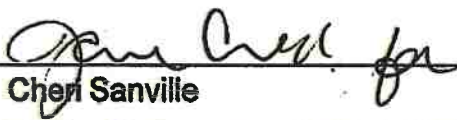
FOR Jesse Kinsella



Jesse Kinsella

7-20-18
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Chen Sanville
Senior Environmental Scientist Supervisor

7/20/18
Date

Prepared by: T.O. Smith, July 3, 2018

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: BLUE RIDGE FARMS APN: 220-051-001
Planning & Building Department Case/File No.: APPS#11681
Road Name: BLUE SPRINGS CREEK ROAD/ BLUE SLIDE CREEK ROAD *(Use form for each road)*
From Road (Cross street): BRICELAND-THORN ROAD
To Road (Cross street): DRIVEWAY (40.1186, -123.9552)
Length of road segment: ±3 miles Date Inspected: 11/3/2017
Road is maintained by: ☐ County ☒ Other PRIVATE
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

- Box 1** ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.
- Box 2** ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

- Box 3** ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

JESSE KINSELLA

Name Printed

RECEIVED

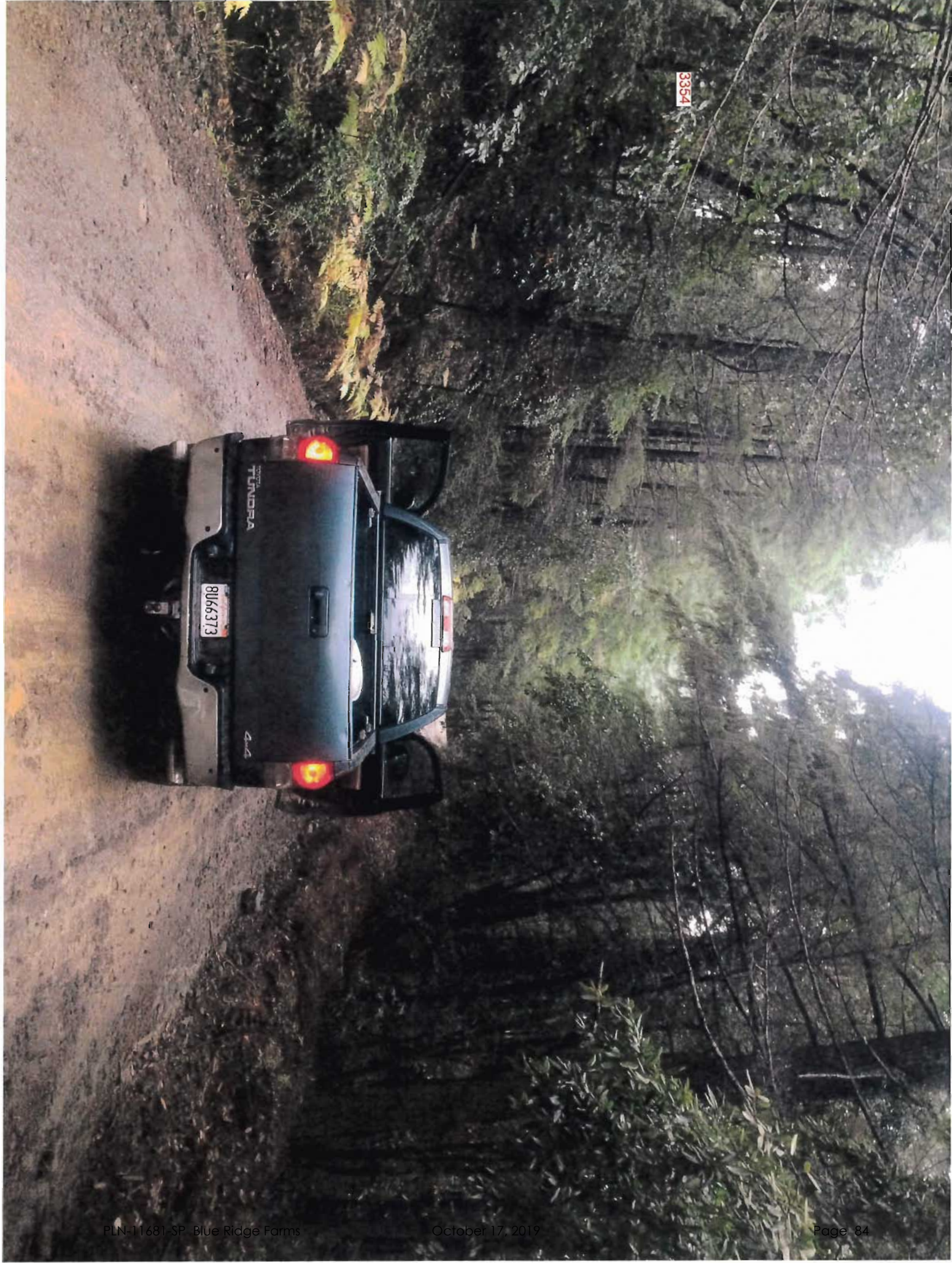
NOV 20 2017

Humboldt County
Cannabis Svcs.

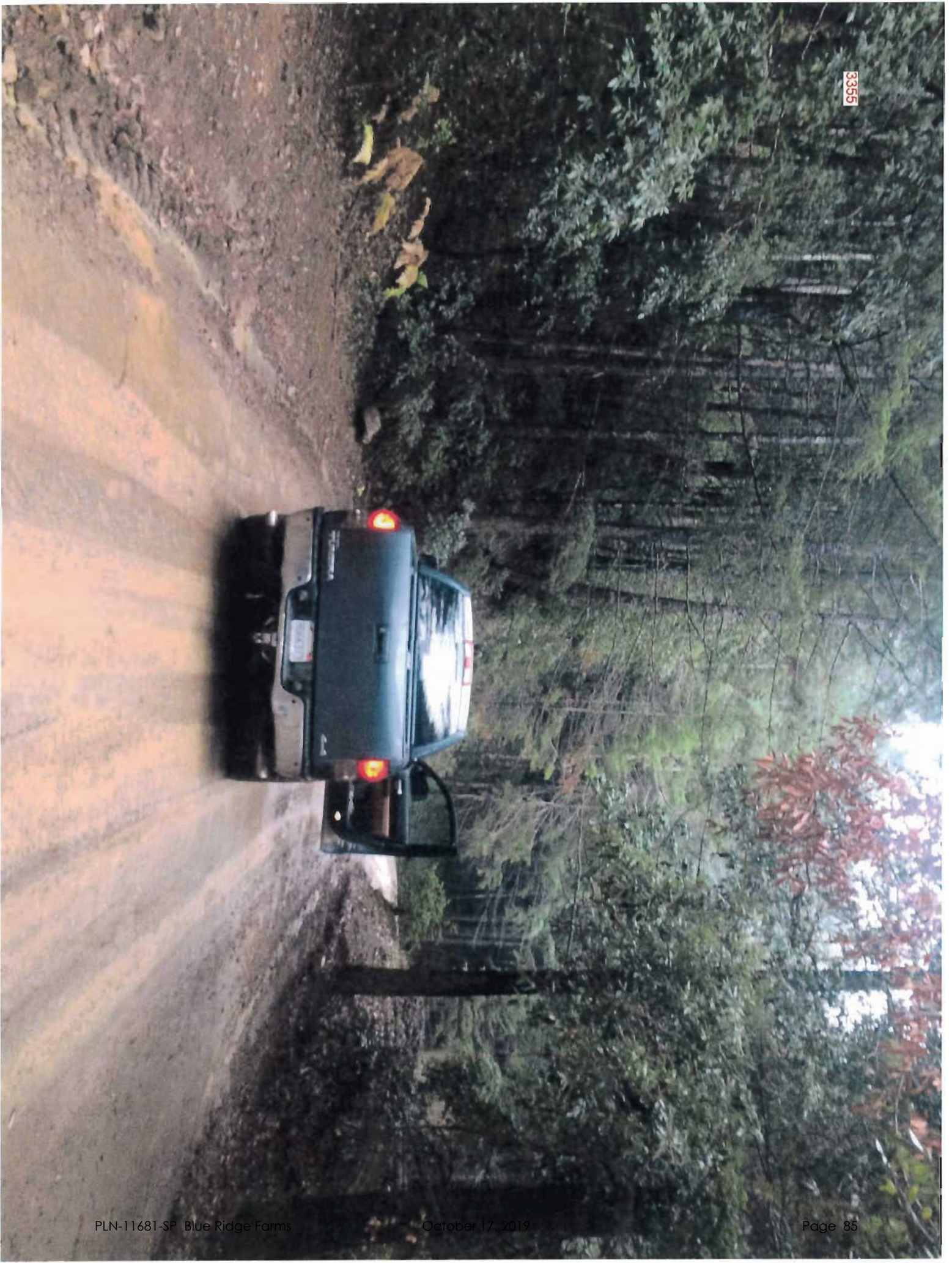
11/19/17

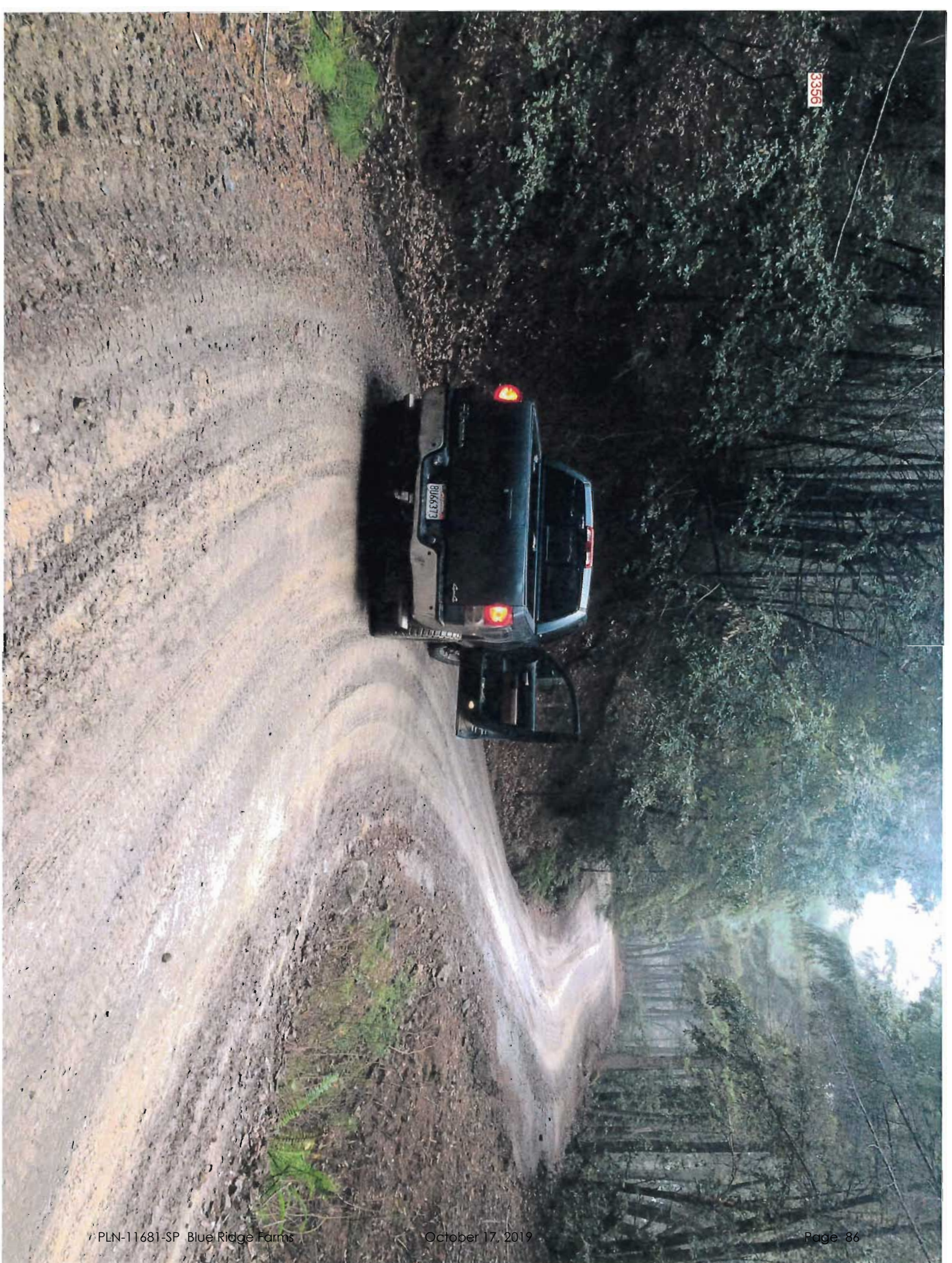
Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.





3354

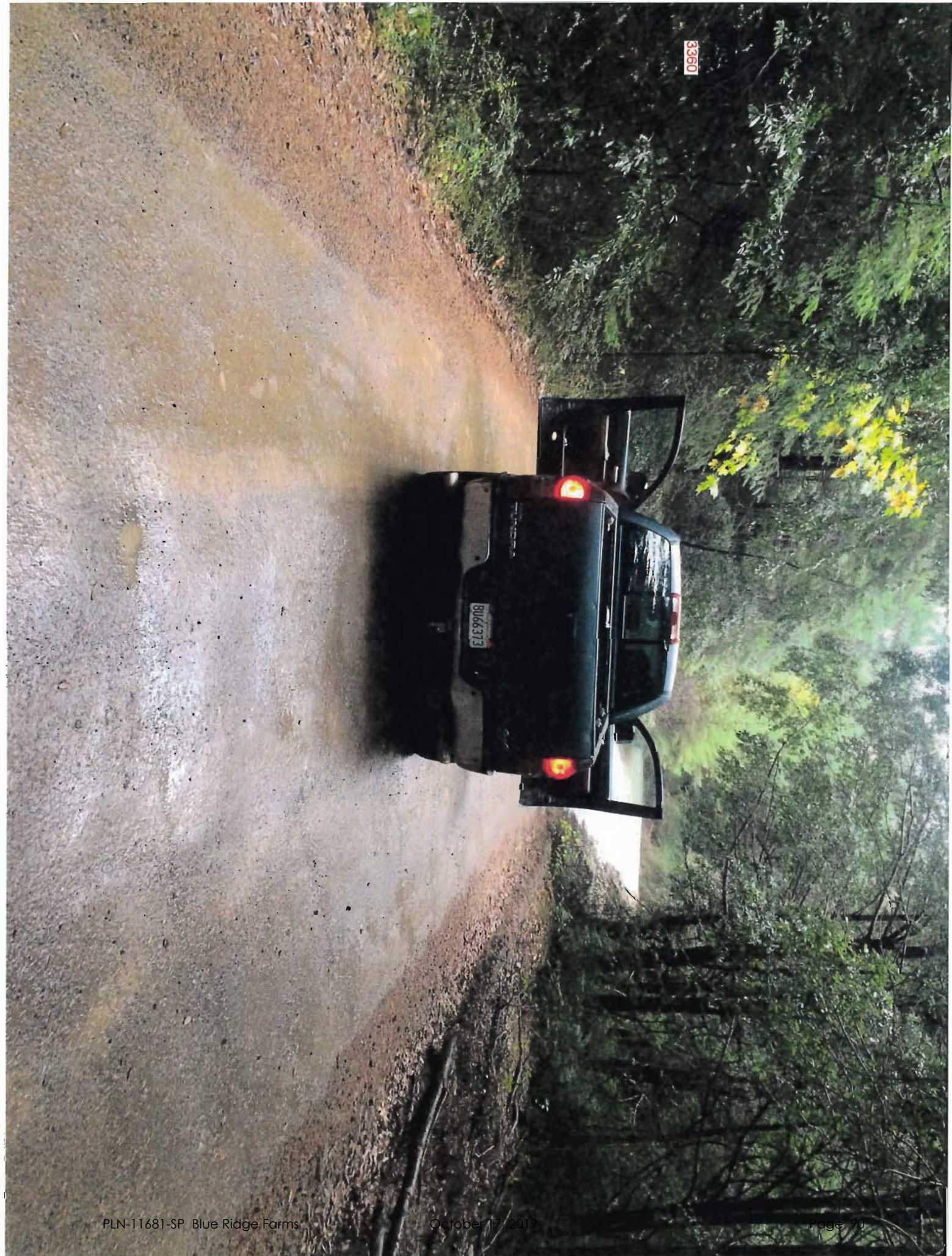




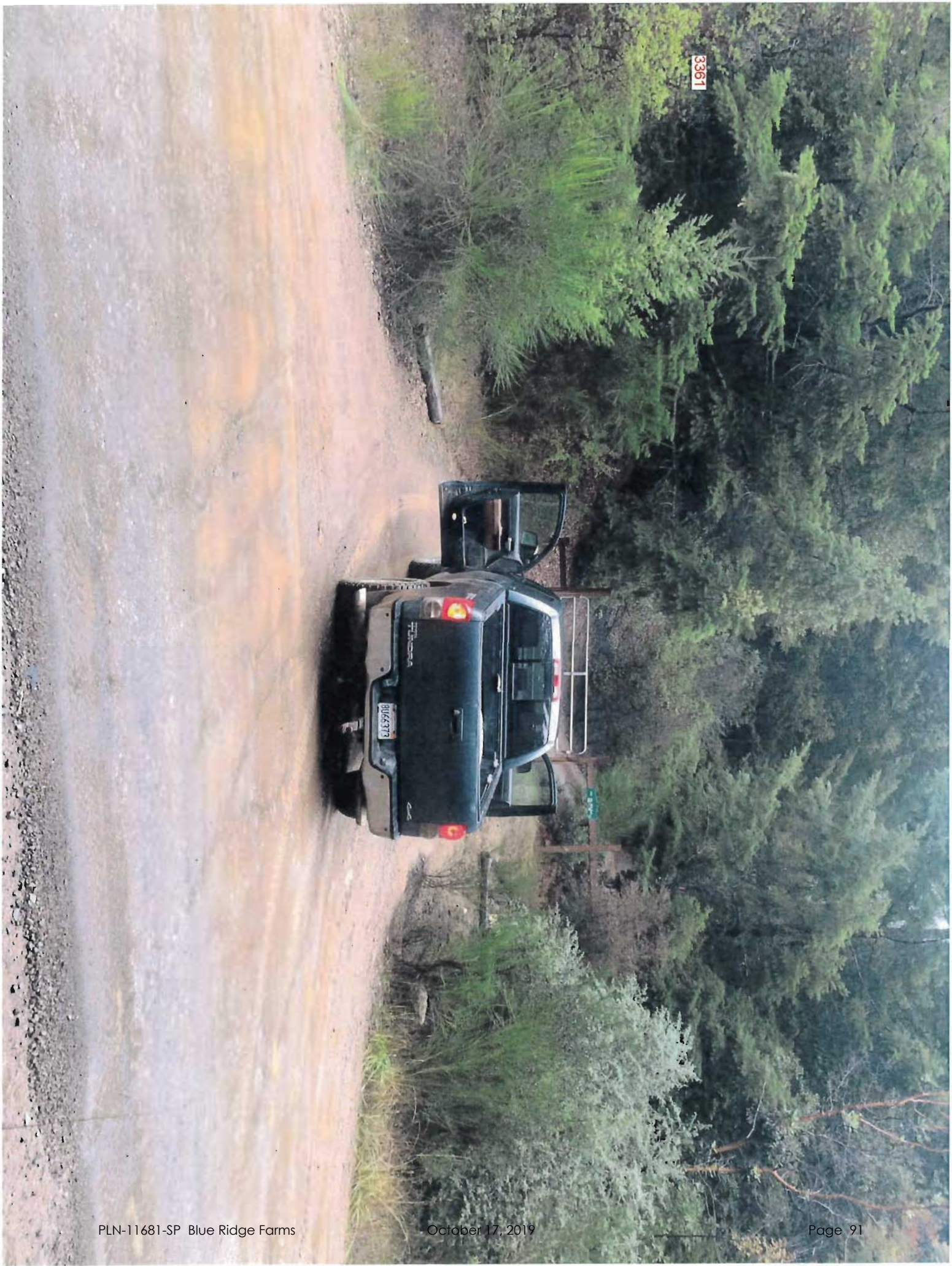








3360





3347

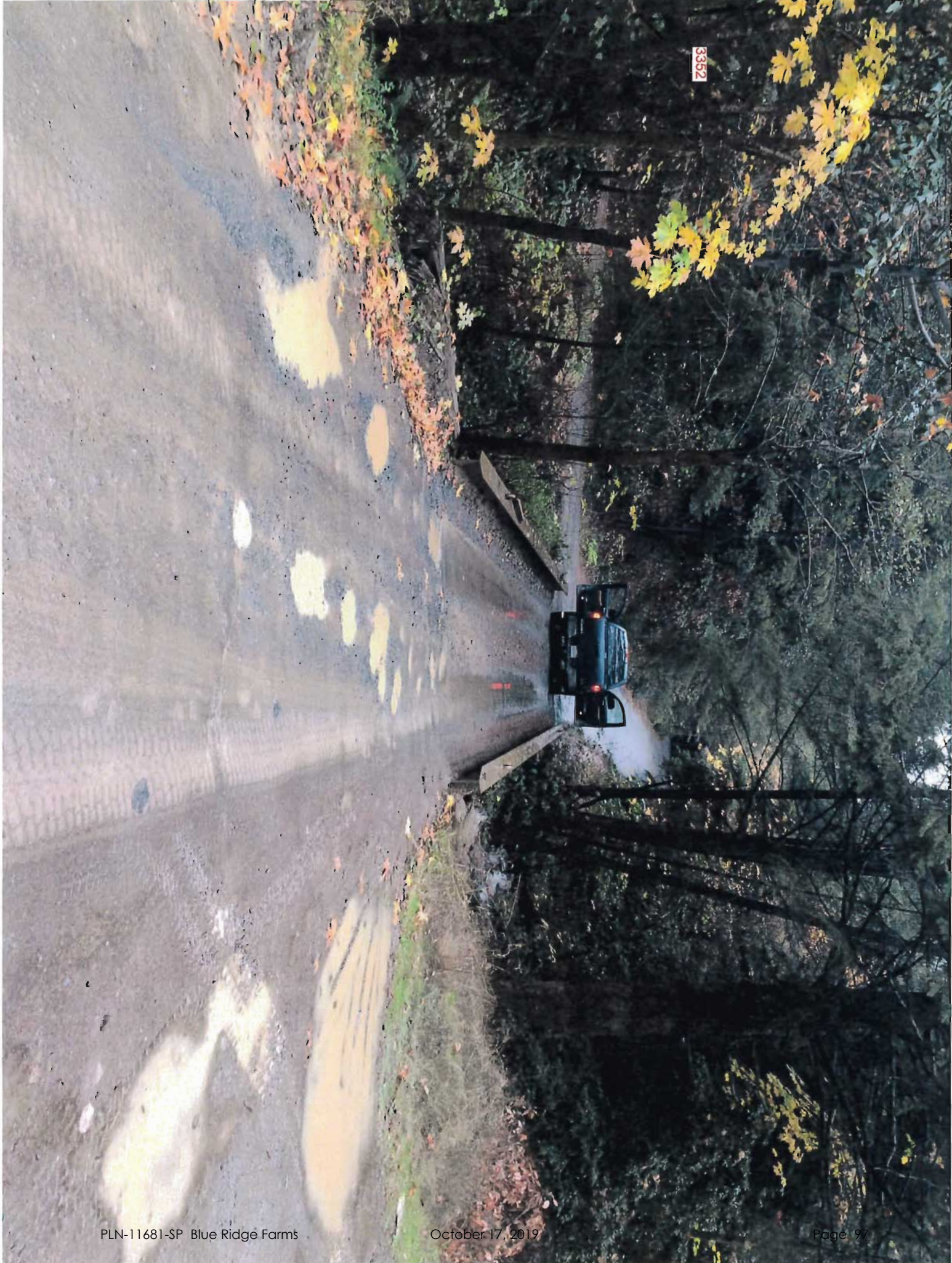
3348

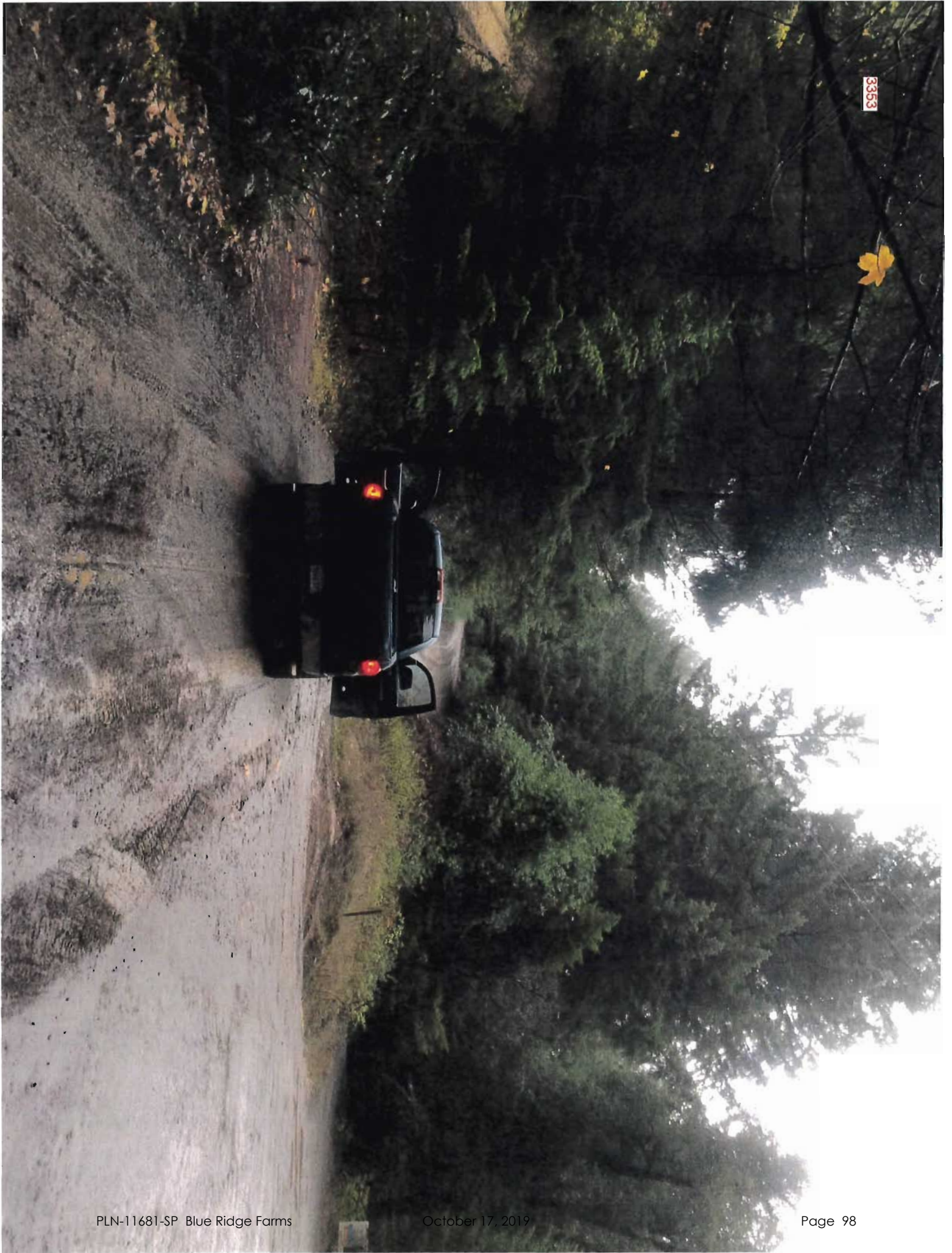












3353

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Environmental Health Division	✓	Conditional approval	Attached
CALFIRE	✓	Approval	Attached
NWIC	✓	Further review	On file
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County Sheriff		No response	
CA Department of Fish & Wildlife	✓	Conditional approval	Attached
Southern Humboldt Joint Unified School District		No response	
Briceland FPD		No response	



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

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 445-7409

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 12/21/2018

RE:

Applicant Name	BLUE RIDGE FARMS
APN	220-051-001 041
APPS#	11681
CASE#	SP16-283

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:

Applicant has submitted a road evaluation report, dated 11/19/2017, with Part A -Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11681

☐ **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 //



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

DEH received
8-16-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Sheriff, BriceLand FPD Fire Protection District, Southern Humboldt USD School District, Public Works - Road Evaluation

1718-0340

Applicant Name Blue Ridge Farms **Key Parcel Number** 220-051-001-000

041

Application (APPS#) 11681 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-283

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
3-9-18

Comments:

DEH recommends approval with the following conditions:

- (1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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

Response Date: 3/8/2018 **Recommendation By:** Adam Molofsky

Yandell, Rodney

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Tuesday, October 08, 2019 8:30 AM
To: Yandell, Rodney
Cc: Ryan, Meghan; Johnson, Cliff
Subject: RE: 11681 Blue Ridge Farms

Hi Rodney,

Thank you for the information and summary. I think it is very possible that NSO could be present in closer proximity than the AC information indicates. In this case, it is quite possible that surveys have not been conducted for this area, and therefore would not indicate presence in the positive detection database without surveys. As such, I would request that a Noise and Light Attenuation Plan be required and approved prior to use of fans, generators and lights.

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 60dB measured at 100ft.

Thank you

David Manthorne
Senior Environmental Scientist Specialist
Habitat Conservation and Planning (WET)
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501
(707) 441-5900

From: Yandell, Rodney <RYandell@co.humboldt.ca.us>
Sent: Friday, October 4, 2019 3:29 PM
To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Cc: Ryan, Meghan <mryan2@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: 11681 Blue Ridge Farms

David,

Blue Ridge Farms, Apps # 11681 is ready to go to hearing and is noticed for Oct. 17th. We have not received comments from CDFW yet and are wondering if you would like to comment.

Below I have included the Executive Summary from the staff report, the Biological Resources findings and the Conditions of Approval proposed to mitigate impacts to wildlife.

Executive Summary: A Special Permit for 5,616 square feet (sf) of existing mixed light and 4,384 sf of existing outdoor cannabis cultivation, for a total of 10,000 sf, and a Special Permit for development within a Streamside Management area in association with a point of diversion. The project is located on Assessor's Parcel Number (APN) 220-041-001, which is approximately 34.7 acres in size. The mixed-light cultivation currently occurs in six (6) 12'x78' greenhouses and the outdoor cultivation occurs in four areas including a 848 sf area; a 600 sf area, a 936

sf hoop-house, and a 2,000 sf area. The easternmost 12'x78' hoop house and adjacent 848 sf outdoor cultivation are proposed to be relocated due to slope grades (approximately 19%) and instability. To preserve slopes and reduce erosion and slide potential, this cultivation will be relocated to the western cultivation area. Within the western cultivation area, the current configuration of the cultivation is not efficient use of space and will be reoriented to better facilitate use of space and resources. The reorganized cultivation will consist of two (2) 12'x78' greenhouses and three (3) 25'x100' greenhouses. The site of the relocation will be fully remediated in accordance with the Less Than 3 Acre Conversion prepared by Mad River Properties, prescriptions include removal of all cultivation related materials, monitoring in accordance with the Site Management Plan, use of fiber rolls for stability and sediment control, and mitigation for nine road points including installation of rolling dips, rocking ditches, and out sloping roads. Other best management practices (BMP's) including reseeding with a native grass seed mix, planting of four (4) native trees at the tow of the slope, and no further use of the site will occur. The Applicant anticipates two harvests per year and proposes a new 30'x40' drying facility. All other processing will be done by a licensed third-party off-site manufacturer.

The project site contains one existing 30'x40' residence and other existing structures and ancillary residential related facilities to infrastructure to enable cannabis cultivation. Other than the listed cultivation areas, the existing facilities include a 5'x6'- storage shed, solar panels, a 6'x6' shed for a generator and solar inverter, a 10'x20' trash enclosure, propane tank, a residential cabin, an agricultural product storage shed, and a soil containment area adjacent to the existing cultivation area proposed for reorganization. Both the residence and cabin are served by a septic system and leach field. The Applicant will obtain applicable permits once the cannabis permit is issued. Cultivation will largely be performed by family members that live on the parcel during the cultivation season but up to two employees (independent contractors) during peak harvest season may be employed. Drying and curing of harvested cannabis would occur within the proposed drying facility. All power is provided by solar panels, with emergency back-up generators that include a Kolar 8.5 propane generator, a Honda EU 2000 gasoline generator and a Honda EU 6000 gasoline generator, which are housed in a storage shed with cement flooring to prevent accidental fuel releases.

Water for both domestic and irrigation is sourced from a spring diversion that is registered with the State Water Resources Control Board (SWRCB) and for which the Applicant has a Small Irrigation Use Registration (SIUR) for cannabis cultivation (SIUR Registration # H502040) and has a Statement of Diversion and Use (S026548) and a final Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0069-R1) was issued by the California Department of Fish and Wildlife (CDFW) for the encroachment of the water diversion tributary to Blue Slide Creek. The Applicant submitted copies of this documentation which is on file with the Planning Department. The water diversion is a perforated bucket that is sealed to wildlife and gravity feeds to the water storage tanks through a 1" polyethylene pipe. A solar pump is used to move the water uphill to storage tanks where it is gravity fed to the cultivation.

Current storage onsite totals 114,550 gallons and includes two (2) 30,000-gallon capacity bladders, one (1) 10,000-gallon capacity bladder, two (2) 4,800-gallon capacity rainwater emergency tanks, five (5) 5,000-gallon capacity tanks, one (1) 3,200 gallon capacity tank, one (1) 2,800-gallon capacity tank, one (1) 1,200-gallon capacity tank, and five (5) 550-gallon capacity tanks. The water bladders are in the process of being phased out and replaced with hard plastic storage tanks. To meet forbearance requirements, the Applicant is proposing replacement with 23 (5) 5,000-gallon tanks for a total of 141,800 gallons of tank storage. The Applicant estimates that between 120,000-150,000 gallons of water are needed every year depending on weather conditions and strains grown (12-15 gallons/sf/year). All irrigation water is applied via a dripline and/or hand watering method are used to minimize water use. One of the 5,000-gallon tanks, and the 3,200-gallon tank are located on APN 220-041-008 to the south (not owned by the applicant). As a condition of approval, the Applicant will be required to record an easement for access to the two water tanks and for water conveyance infrastructure between the subject parcel and APN 220-041-008.

The Applicant retained NorthPoint Consulting Group to prepare a Site Management Plan (SMP) under the State Water Resources Control Board Order WQ 2017-0023 DWQ & NCRWQCB Order No. 2015-0023 as a Tier 1 discharger and WDID #1B161299CHUM. The SMP describes how the Applicant is complying with the applicable BMP's or as it is termed in the SMP, Best Practical Treatment of Control (BPTC) measures and submitting technical and monitoring report to assure compliance. The SMP identified several of these measures and they include activities both physical and biological erosion control measures including water run-off diversions (water bars, and swales) soil stabilization (mulching, ect.) and structural features, and using grassed waterways, temporary

and permanent seeding, and use of cribbing, live seeding, etc. Other controls for sediment control such as lining conveyances, using basin traps, and hydroseeding may be used in accordance with the SMP. More specifically, per the request of the County, the Applicant addressed concerns and implemented measure set forth in the Humboldt County General Plan Water Resources Element including policies WR-G10, WR-P39, WR-P42, WR-S7, and WR-IM3. Monitoring to ensure measures are properly implemented will include written documentation, photographs, and a yearly check in.

The Applicant is implementing measures to reduce and/or eliminate cultivation related waste. The Cultivation and Operations Plan states that all BMP's are employed when storing, handling, mixing, during application and disposal of all fertilizers (worm castings, arctic humus, primal harvest, bat guano, granulated kelp, Dr. earth Bud and Bloom), pesticide and fungicides (Neem oil). All these materials are applied as a as needed during the cultivation cycle. These cultivation related materials are stored in a locked storage room and located in excess of 300 feet from any watercourses. The existing stockpiled soil is located in a soil containment area adjacent to the cultivation areas also greater than 300 feet from the nearest water course. These locations are not wet or unstable, or where slope stability could be adversely affected. The spoil piles are not adjacent to wetlands and/or watercourses. Soils are composted from vegetative matter including rootballs, branches, and leaves in designated areas that are lined to prevent soil erosion or nutrient seepage. Spoils are amended in the planting beds and during the winter are covered to winterize and prevent erosion and nutrient runoff. Garbage and refuse is collected, contained, and disposed of at an appropriate facility, including for recycling where available.

The parcel is accessed from a private driveway off of Blue Slide Creek Road. All segments of Blue Slide Creek Road are meet (or are equivalent to) Road Category 4 standards for Cannabis Projects. The Applicant completed a Road Evaluation Report detailing with photos and showing this fact. This permit is conditional upon ensure that the sight-visibility requirements and obtaining an encroachment permit from the Department of Public Works for driveway improvements is met.

There is no known Northern Spotted Owl (NSO) activity center within less than 2.5 miles of the project area. In addition, the California Natural Diversity Database (CNDDDB) indicates that other protected or sensitive species are absent from the project site. Nonetheless a condition of project approval will be included related to noise and lighting and protection of the NSO. Based on the Applicants Cultivation and Operations Plan, the project is already in compliance with applicable measures. Due to noise and light restrictions that will be applied to both the current project and all other projects in the vicinity, there are no cumulative impacts to the Northern Spotted Owl habitat that are expected to occur.

Biological Resources Section 10.3: The subject parcel is located greater than 2.5 miles from the nearest Northern Spotted Owl Critical Habitat. There is no Marbled Murrelet critical habitat within at least 3.5 miles of the subject parcel. The CNDDDB indicates that there is mapped habitat for southern torrent salamander (*Rhyacotriton variegatus*) within 750 feet of the project site. According to CaliforniaHerps.com, A Guide to the Amphibians and Reptiles of California (www.californiaherps.com – accessed September 25, 2019), southern torrent salamander are found in shallow, cold, clear, well-shaded streams, waterfalls and seepages, particularly those running through talus and under rocks all year, in mature to old-growth forests. Occasionally found in riparian vegetation adjacent to water, but usually found in contact with water. Found primarily in waters on north-facing slopes in the southern part of their range where forests are warmer and drier. Aquatic larvae live in clear shallow water and still, mucky water in creeks, often with accumulated leaves. According to the site plan, there is no potential habitat for southern torrent salamander within 255 feet of the developed areas of the parcel and no significant impacts are anticipated.

Power is supplied by solar power with emergency backup generators onsite. Mixed light greenhouses will use blackout tarps when artificial lighting is in use. The project is conditioned to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and that the combined decibel level for all noise sources, including generators, measured at the property line shall be no more than 60 decibels.

The relocation site will be fully remediated to include removal of all cultivation related materials, monitoring in accordance with the Site Management Plan, use of fiber rolls for stability and sediment control, and mitigation for nine road points including installation of rolling dips, rocking ditches, and out sloping roads.

The only water source will be a diversion that is registered with the State Water Resources Control Board (SWRCB) and for which the Applicant has a Small Irrigation Use Registration (SIUR) for cannabis cultivation (SIUR Registration # H502040) and has a Statement of Diversion and Use (S026548) and a final Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0069-R1) was issued by the California Department of Fish and Wildlife (CDFW) for the encroachment of the water diversion. No other cannabis related facilities or structures are within an SMA. The nearest existing facilities are greenhouses approximately 255 feet. These will be relocated to a site greater than 335 feet from the SMA.

Conditions of Approval

1. All on-site lighting used in the mixed-light greenhouses shall be fully shielded and designed and installed to eliminate light leakage that could lead be visible from all property boundaries between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the light's shielding and alignment has been repaired, inspected, and corrected as necessary.
2. The applicant shall ensure that the existing generators are operated within generator storage sheds with secondary containment. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW.
1. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. WQ 2017-0023 DWQ & NCRWQCB Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
2. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
3. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
4. Any 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, 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.
5. 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.
6. 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.
7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

Please call or email with any questions.

Thank you,



Rodney Yandell

Planner II

Cannabis Services Division

Planning and Building Department

707.268.3732

C

From: HUU.CEQA@CALFIRE
To: [Planning Clerk](#)
Subject: FW: Jesse Kinsella 220-051-001
Date: Tuesday, October 03, 2017 5:02:56 PM



Chris Ramey
Battalion Chief, Fire Planning

CAL FIRE

Humboldt-Del Norte Unit
C: 707-599-6442
Duty Days: Tues-Fri

From: Meyers, Tim@CALFIRE
Sent: Friday, September 22, 2017 1:33 PM
To: HUU.CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Cc: KQuenell@co.humboldt.ca.us; Imperiale, Rhett@CALFIRE <Rhett.Imperiale@fire.ca.gov>; Schaeffer, Mara <Mara.Schaeffer@fire.ca.gov>; Forsberg, William@CALFIRE <William.Forsberg@fire.ca.gov>
Subject: Jesse Kinsella 220-051-001

041

Good Afternoon,

I have reviewed the landowner's proposal of mitigation prepared by an RPF regarding the past harvest and conversions that occurred years ago on the parcel. I have concluded that the mitigation offered is acceptable and appropriate based on the conditions and detailed information provided. CAL FIRE has no additional recommendations or comments. This email serves as the official response.

Tim Meyers

Forester I, RPF #2813

Department of Forestry and Fire Protection

CAL FIRE

Weott Resource Management

Humboldt-Del Norte Unit

Office (707) 946-2204

Cellular (707) 599-6433

tim.meyers@fire.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com - Drought.CA.gov

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 17, 2017



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

Attention: Cannabis Planner (CPOD)
Applicant: Blue Ridge Farms
APN: 220-054-001-000 041
Area: Briceland
Case Numbers: SP16-283

Humboldt County Application #: 11681
Type of Application: Special Permit
Date Received: 8/14/2017
Due Date: 8/26/2017

Project Description: A Special Permit for 5,616 square feet of existing mixed-light and 4,384 square feet of existing outdoor cannabis cultivation, for a total of 10,000 square feet. Water for irrigation is sourced from a spring and rainwater catchment. Water is stored in two (2) bladders, and ten (10) hard tanks for a total of 83,300 gallons of available water storage. The Applicant proposes constructing a 300,000 gallon rainwater catchment pond. Estimated annual water usage is 150,000 gallons. Drying occurs in an existing on-site residence building. The Applicant proposes to move this processing activity to a proposed on-site shop building. Other processing activities occur off-site at a licensed processing facility. The Applicant states that two (2) full-time employees are needed for the operation. Electricity is provided by a grid-tied solar system, and backup generators.

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.

Zander, AnaCena

From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Monday, September 04, 2017 5:47 PM
To: Planning Clerk
Subject: FW: 220-051-001



From: Meyers, Tim@CALFIRE
Sent: Thursday, August 24, 2017 10:06 AM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: 220-051-001

CAL FIRE can not support this project. Forest Practice violations have occurred on this property based off Imagery. No conversion permits are on file with CAL FIRE for tree removal. The landowner must seek advice from a Registered Professional Forester or contact CAL FIRE to mitigate the environmental violations. File passed to B1211 on 08/24/2017.

Tim Meyers

Forester I, RPF #2813

Department of Forestry and Fire Protection

CAL FIRE

Weott Resource Management

Humboldt-Del Norte Unit

Office (707) 946-2204

Cellular (707) 599-6433

tim.meyers@fire.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com - Drought.CA.gov



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

5/10

8/11/2017

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, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Sheriff, Brice Land FPD Fire Protection District, Southern Humboldt USD School District

Applicant Name Blue Ridge Farms **Key Parcel Number** 220-051-001-000

Application (APPS#) 11681 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-283

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

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

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

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

Return Response No Later Than 8/26/2017

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: 5/14/18

PRINT NAME: Rudy Marenghi

220-051-001



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.: 46550/11681
Parcel No.: 220-051-001
Case No.: SP16-283

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 solar panels, all propane tanks, all GH's numbered, GH 6 as to be relocated, propagation GH West of GH 6, 3.2 K gallon Water tank as 1.2 K, connex storage sheds with use and dimensions, chicken coop, GH east of cabin as existing, shed across from cabin, 12x78 nursery GH as cultivation, propagation GH in eastmost outdoor CA, SMA of streams and rivers, all "nurseries" as "propagation", water tanks at south section of parcel as to be relocated, and all water tanks at NE section of parcel.

Name: Rudy Marengi

Date: 5/10/18

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.