



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION

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

Hearing Date: January 09, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Mattole Valley Farms Business Support Services, LLC, Special Permits**  
Record Number: PLN-11666-SP  
Assessor's Parcel Number: 220-171-006  
2400 Eubanks Road, Ethersburg area

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

## AGENDA ITEM TRANSMITTAL

| Hearing Date     | Subject         | Contact    |
|------------------|-----------------|------------|
| January 09, 2019 | Special Permits | Liza Welsh |

**Project Description:** A Special Permit for the continued operation of an existing cannabis cultivation site consisting of 6,000 square feet of existing and 3,900 square feet of new cannabis cultivation and ancillary facilities. Cultivation activities extend February through November. There will be two harvests annually in July and September. Water for cannabis irrigation is sourced from a point of diversion from an unnamed stream that is a tributary to Eubank Creek. There is 109,140 gallons of water storage capacity in hard tanks on the parcel. Water is delivered to the cannabis plants via hand watering. The applicant's estimated annual water use is 64,500 gallons. Power is provided by an existing solar array. Cannabis is dried and processed onsite in an existing structure. No employees will work on site. The project includes a Special Permit for development within the Streamside Management Area associated with a point of diversion and for restoration activities associated within a historic cultivation site.

**Project Location:** The project is located in Humboldt County, in the Ettersburg area, at the terminus of Eubanks Road, approximately 2.1 miles southwest from the intersection of Ettersburg Honeydew Road and Eubanks Road, on the property known as 2400 Eubanks Road.

**Present General Plan Land Use Designation:** Residential Agriculture (RA), 2017 General Plan, Density: 40 acres per unit, Slope Stability: Moderate Instability (2)

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-11666-SP

**Assessor Parcel Number:** 220-171-006

**Applicant**

Mattole Valley Farms Business Support  
Services, LLC  
Virgil Willner  
PO Box 736  
Redway, CA 95560

**Owner**

Willner Virgil J & Karman A Tr  
PO Box 736  
Redway, CA 95560

**Agent**

Same as Applicant

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

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

**Major Issues:** None.

**MATTOLE VALLEY FARMS BUSINESS SUPPORT SERVICES, LLC**

Record Number: PLN-11666-SP

Assessor's Parcel Number: 220-171-006

**Recommended Zoning Administrator Action:**

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

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

**Executive Summary:** The proposed Special Permits would allow the continued operation of an existing commercial cannabis cultivation operation consisting of 6,000 square feet of existing outdoor cannabis cultivation and 3,900 square feet of new cannabis cultivation, onsite processing, and ancillary storage structures on a 36.89-acre (assessed lot size) legal parcel in the Ettersburg area. A review of evidence provided by the applicant and historic imagery using TerraServer indicates that on 10/26/2015 there was approximately 6,000 square feet of outdoor cannabis cultivation on the property. An Interim Permit was subsequently issued for 6,000 square feet of cultivation. At the applicant's request, these Special Permits will authorize 6,000 square feet of existing outdoor cultivation and 3,900 square feet of new outdoor cultivation. The new cultivation will be situated near the existing cultivation and is supported by a Prime Ag Soils Report prepared by Whitchurch Engineering finding that all soils on the 40-acre parcel satisfy the requirements of the LCC Index to be classified as a "Class I or Class II" soils, which is considered "prime soil" for agricultural purposes per Ordinance number 2544. The new cultivation will occupy less than 20% of the parcel and therefore less than 20% of the available prime agricultural soils. All cultivation will occur in greenhouses using light deprivation as described by the following table:

| Structure     | Dimensions | Size                     |  |
|---------------|------------|--------------------------|--|
| Hoop House #1 | 24' X 100' | 2400 square feet         |  |
| Hoop House #2 | 23' X 100' | 2300 square feet         |  |
| Hoop House #3 | 20' X 100' | 2000 square feet         |  |
| Hoop House #4 | 10' X 80'  | 800 square feet          |  |
| Hoop House #5 | 10' X 80'  | 800 square feet          |  |
| Hoop House #6 | 10' X 80'  | 800 square feet          |  |
| Hoop House #7 | 10' X 80'  | 800 square feet          |  |
| <b>TOTAL</b>  |            | <b>9,900 square feet</b> |  |

Propagation occurs on site in a 20' X 40' (800-square foot) greenhouse and in a 10' X 80' (800-square foot greenhouse). The propagation greenhouses are shielded with tarps to prevent light escape from 30 minutes prior to sunset until 30 minutes after sunrise at a level visible from neighboring properties in compliance with International Dark Sky Standards. The applicant has requested a nursery of this site to facilitate better pest management with more space between their immature plants. Although the nursery size will be 16% to the total cultivation area, the greenhouses will be on opposite sides of the farm. According to the applicant, two greenhouses of 800 square would allow for less pest problems spreading through the propagation greenhouses. There would also be reductions in manual labor and cost during planting season.

Development on the parcel includes a residence, a 24' X 24' (576-square-foot) structure used for drying, processing, packaging, and harvest storage, a 10' X 10' (100-square-foot) shed, and water storage tanks and conveyance equipment. The applicant will obtain appropriate permits from the Building Division for the hoop houses used for cultivation and for all structures greater than 120 square feet with a nexus to the cannabis cultivation land use.

Water for cannabis irrigation and for fire suppression is sourced from a point of diversion on an unnamed stream that is a tributary to Eubank Creek. There is 109,140 gallons of water storage capacity in hard tanks on the parcel. The applicant holds a Right to Divert and Use Water that allows for small irrigation use appropriation (Certificate H100019). They also have a Final Streambed Alteration Agreement covering the point-of-diversion and three stream crossings (1600-2017-0310-R1). Water is delivered to the cannabis plants via hand watering with garden hoses. The applicants expect two light deprivation harvest cycles per year and their estimated annual water use is 64,500 gallons. Between May 15th and October 30th of each year no more than 150 gallons per day shall be diverted. The maximum instantaneous diversion rate from the water intake shall not exceed 3 gallons per minute (gpm) at any time, and the applicant shall pass 90% of the inlet flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion. The applicant shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and shall record the quantity of water diverted on a weekly basis.

Electricity is sourced from an onsite solar array. An 8' X 9' (64-square-foot) shed with a 10' X 12' (square-foot) roof is proposed to better support the solar array. A 12.5 kw generator powers the pump used for the point of diversion. The applicant will muffle sound from the generator to less than 50 decibels at 100 feet away. No employees will work on site. Drying, processing, packaging, and harvest storage will occur onsite in an existing 24' X 24' (576-square-foot) structure. The project was reviewed by the Department of Environmental Health (DEH), which recommended conditional approval with the note that onsite processing must be supported by an approved means of sewage disposal. To process on site, the structure will require a commercial building permit with an ADA accessible restroom and a permitted Onsite Wastewater Treatment System (OWTS). Should meeting these requirements prove unfeasible, processing may occur offsite at a licensed third-party facility.

The subject parcel is accessed via a 1.9-mile drive on Eubanks Road from Ettersburg-Honeydew Road. The applicant has provided a Road Evaluation stating that Eubanks Road is privately maintained and has the functional capacity of a Category 4 road capable of accommodating commercial traffic. Ettersburg-Honeydew Road is a County-maintained Category 4 road. The project was reviewed by the Public Works Department which recommended approval with the condition that the applicant pave Eubanks Road for a minimum width of 20 feet and a length of 50 feet where it intersects Ettersburg-Honeydew Road. Prior to constructing improvements within the County-maintained right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. Additionally, the intersection between Eubanks Road and Ettersburg-Honeydew Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). These requirements are included in the conditions of approval for the project. The applicant is encouraged to collaborate with other applicants using Eubanks Road to complete this work and ongoing maintenance.

The subject parcel contains mixed-meadow and forest features. Existing and proposed cultivation will occur in an existing ridgetop meadow. No vegetation removal is proposed. A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately 0.21 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately 0.79 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.35 miles away. Although the the California Department of Fish and Wildlife (CDFW) did not provide comments for this project, the following ongoing conditions are added to the project to protect local wildlife: The generator powering the pump for the point of diversion and any greenhouse fans shall be kept covered or otherwise muffled such that noise released is no greater than 50 decibels as measured at 100 feet way from the noise source. The applicant shall adhere to the forbearance requirements established through their Final Streambed Alteration Agreement (1600-2014-0045-R1), or through any future Streambed Alteration Agreement covering the point of diversion. The applicant shall adhere to a prohibition on synthetic netting, shall leave any wildlife encountered unharmed, and shall contain all refuse in wildlife proof storage containers and dispose of it at an authorized waste management facility. These conditions can be found in ongoing conditions of approval for the project. Additionally, for the protection of the Northern Spotted Owl, the

applicant shall submit documentation demonstrating that the backup generator is contained such that noise is appropriately attenuated.

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

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-**

**Record Number: PLN-11666-SP  
Assessor Parcel Number: 220-171-006**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Mattole Valley Farms Business Support Services, LLC, Special Permits request.**

**WHEREAS**, Mattole Valley Farms Business Support Services, LLC, submitted an application and evidence in support of approving a Special Permit for 6,000 square feet of existing and 3,900 square feet of new outdoor cannabis cultivation and ancillary structures with water supplied by a point of diversion, power provided by a solar array with generator backup, on-site propagation, drying, and processing, and no employees; and

**WHEREAS**, Mattole Valley Farms Business Support Services, LLC, submitted an application and evidence in support of approving a Special Permit for development within the County's Streamside Management Area for a point of diversion that supplies water for cannabis irrigation and for restoration work associated with a historic cultivation site.

**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 § 15162I 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-11666-SP); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on January 09, 2019.

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

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in in Attachment 2 for Record Number: PLN-11666-SP, support approval of the project based on the submitted substantial evidence; and
3. Record Number: PLN-11666-SP is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-11666-SP.

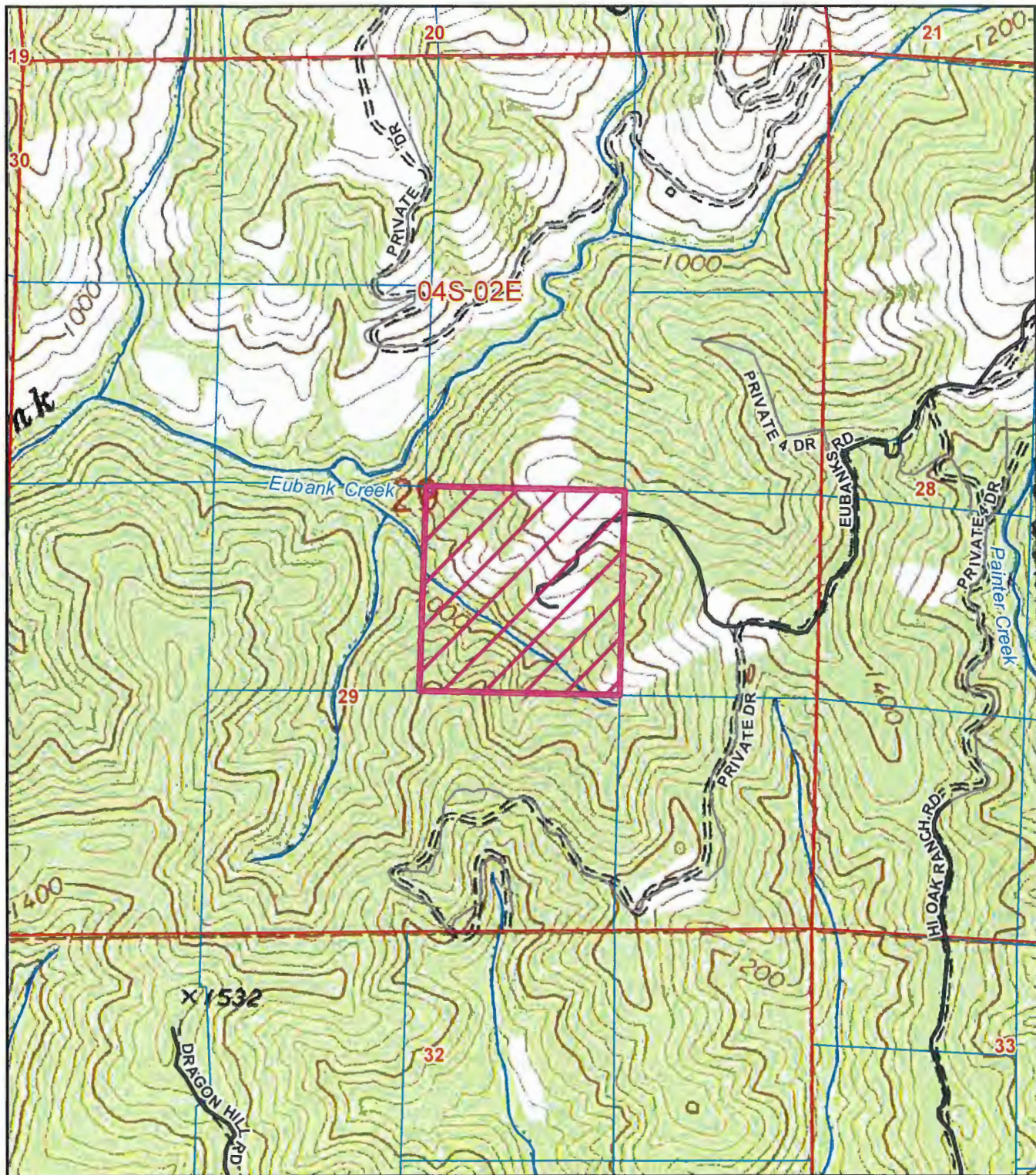
Adopted after review and consideration of all the evidence on January 09, 2019.

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

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John Ford, Director,  
Planning and Building Department





**TOPO MAP  
PROPOSED MATTOLE VALLEY FARMS  
ETTERSBURG AREA  
PLN-11666-ZCC  
APN: 220-171-006  
T04S R02E S29 HB&M (BRICELAND)**

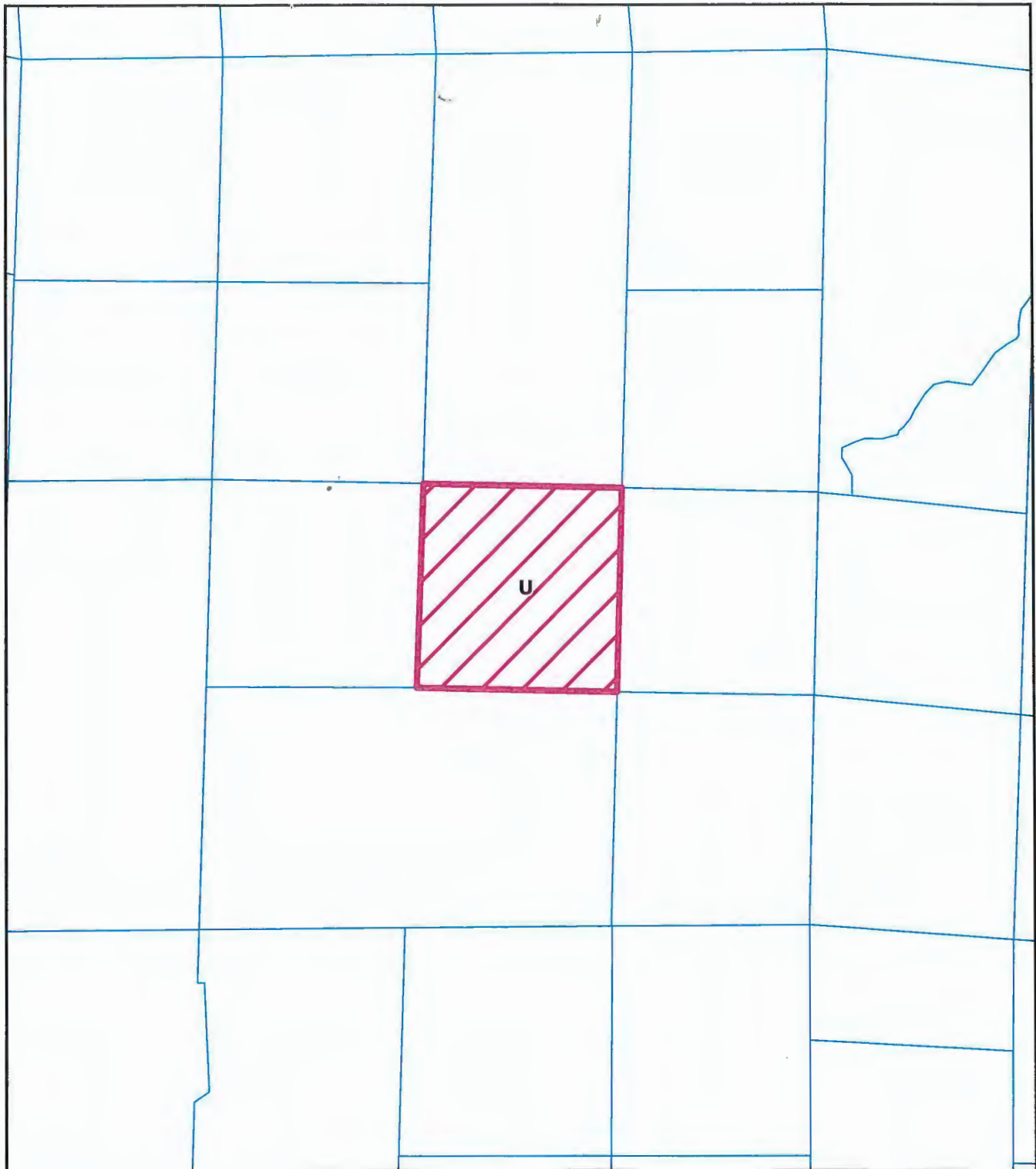
**Project Area =** 

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 Feet







Project Area = 

**ZONING MAP  
PROPOSED MATTOLE VALLEY FARMS  
ETTERSBURG AREA  
PLN-11666-ZCC  
APN: 220-171-006  
T04S R02E S29 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 Feet





**AERIAL MAP  
PROPOSED MATTOLE VALLEY FARMS  
ETTERSBURG AREA  
PLN-11666-ZCC  
APN: 220-171-006  
T04S R02E S29 HB&M (BRICELAND)**

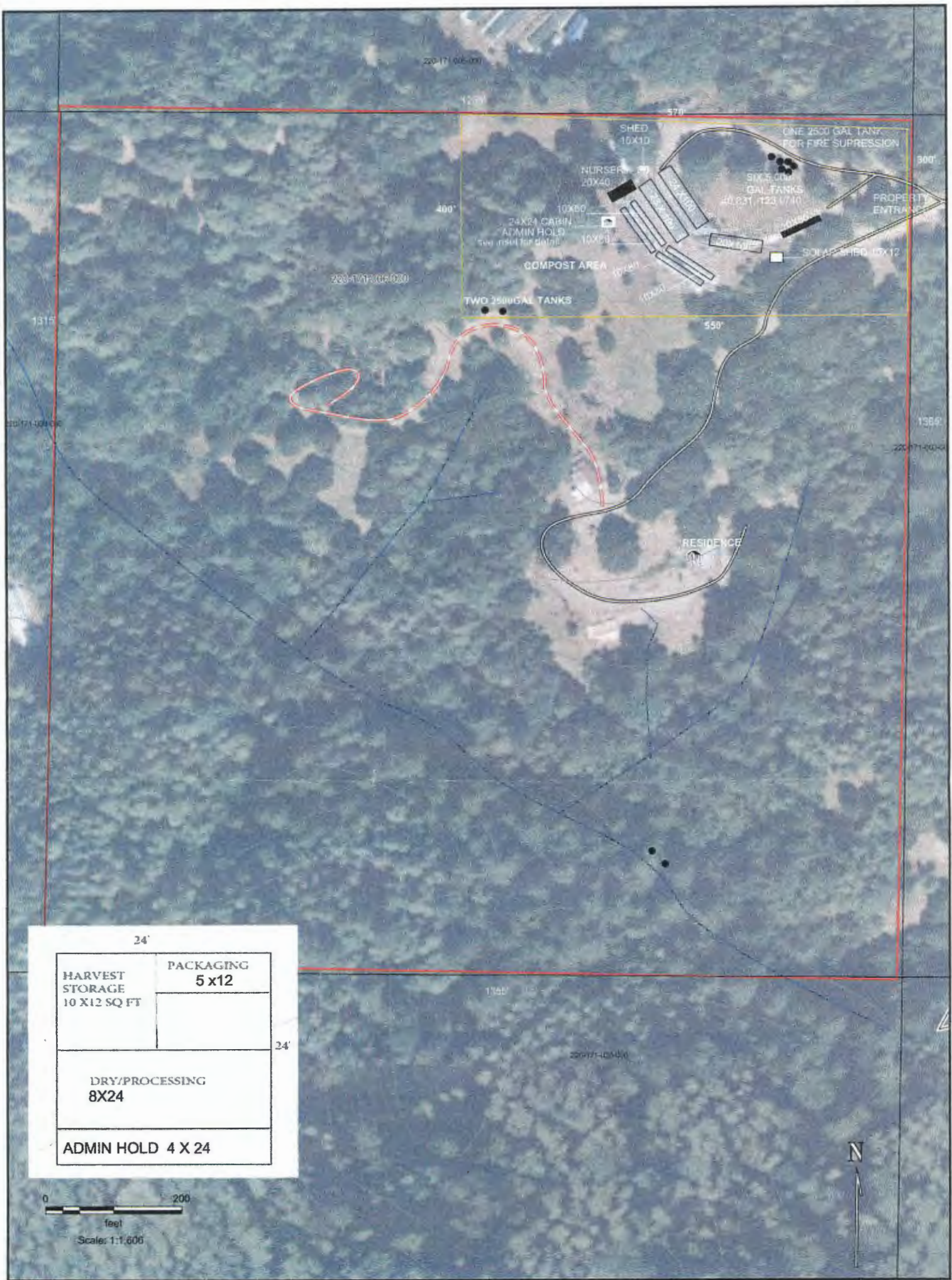
Project Area = 

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.

0 750 1,500  
Feet







|                                 |                    |
|---------------------------------|--------------------|
| 24'                             |                    |
| HARVEST STORAGE<br>10 X12 SQ FT | PACKAGING<br>5 x12 |
| 24'                             |                    |
| DRY/PROCESSING<br>8X24          |                    |
| ADMIN HOLD 4 X 24               |                    |

- Immatute Plant Area
- Watercourse
- Greenhouse Structure
- Water Storage Tank
- Residence
- Property Boundary
- Premises Boundary

APPLICANT: VIRGIL AND KARMEN WILNER  
APN: 220-171-006  
AGGREGATE SQ FEET: 9900 sqft

**Timberland  
Resource  
Consultants**

165 South Fortuna Boulevard, Suite 4 Fortuna, CA 95540  
707-725-1897 • fax 707-725-0972



## 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) 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, 3055 H Street, Eureka.
- 2) A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of project approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
- 3) 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 #4 –13. 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 permits may be finalized and no longer considered provisional.
- 4) The applicant shall secure permits or applicable ag-exempt clearances for all unpermitted features related to the cannabis cultivation, including all greenhouses, all unpermitted graded flats, and any outbuildings greater than 120 square feet with a nexus to the cannabis use. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
- 5) The applicant shall submit documentation demonstrating that their backup generator is contained or otherwise muffled such that noise levels remain at or below 50 decibels at 100 feet away while the generator is operating
- 6) 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 permits valid.
- 7) The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the report form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all their requirements have been met will satisfy this condition.



- 8) The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
- 9) The applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.
- 10) 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.
- 11) The intersection of Eubanks Road and Ettersburg Honeydew 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.
- 12) The project was reviewed by the Public Works Department which recommended approval with the condition that the applicant pave Eubanks for a minimum width of 20 feet and a length of 50 feet where it intersects Ettersburg Honeydew Road. Prior to constructing improvements within the County-maintained right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works.
- 13) The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

- 1) All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of these permits 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 types.
- 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 requirement
- 4) Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
- 5) Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of

surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

- 6) Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d)
- 7) Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agencies.
- 8) Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
- 9) Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays)
- 10) Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
- 11) Pay all applicable application and annual inspection fees.
- 12) The applicant shall adhere to the forbearance requirements of their Streambed Alteration Agreement with the California Department of Fish and Wildlife. Unless altered through a future Streambed Alteration Agreement, no diversion shall occur between July 15<sup>th</sup> and November 1<sup>st</sup> of each year, except for emergency fire suppression. The maximum diversion rate shall not exceed 5 gallons per minute at any time.
- 13) The noise produced by any generator used on an emergency-only basis shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
- 14) 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.
- 15) 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.
- 16) All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- 17) Any project related noise shall be contained to the extent feasible (e.g. containment of fans and dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.

- 18) Storage of Fu-I - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
- 19) The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
- 20) Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

- 1) 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."
- 2) 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).
- 3) Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
- 4) All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - i. Emergency action response planning as necessary;
    - ii. Employee accident reporting and investigation policies;
    - iii. Fire prevention;
    - iv. Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - v. Materials handling policies;
    - vi. Job hazard analyses; and
    - vii. Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - i. Operation manager contacts;
    - ii. Emergency responder contacts;
    - iii. Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and

regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

- 5) On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
- 6) All cultivators shall comply with the approved Processing Plan as to the following:
  - a. Processing Practices.
  - b. Location where processing will occur.
  - c. Number of employees, if any.
  - d. Employee Safety Practices.
  - e. Toilet and handwashing facilities.
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - g. Drinking water for employees.
  - h. Plan to minimize impact from increased road use resulting from processing.
  - i. On-site housing, if any.
- 7) 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.
- 8) If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the CUP, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
- 9) Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
- 10) 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.
- 11) Permittee further acknowledges and declares that:
  - a. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
  - b. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California



Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and

- c. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.

12) Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

#### **Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO2.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 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.
4. 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.

5. 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, 3050H Street, Eureka.
6. 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, 3050H Street, Eureka.
7. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

## 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 Special Permits:

- 1) The proposed development is in conformance with the County General Plan 2017, 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.

**The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017, the Open Space Plan, and the 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><b>Residential Agriculture (RA):</b> This plan designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying entities are reflective of land capabilities and/or compatibility issues. The RA-40 designation is applied to more remote-steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses. Density is 40 acres/unit.</p> | <p>The Applicant proposes the continued operation of an existing commercial cannabis cultivation site consisting of 6,000 square feet of existing and proposes 3,900 square feet of new cannabis cultivation. All cultivation will occur outdoors using light deprivation. The project includes existing outbuildings used ancillary to the cannabis cultivation operation. The subject parcel is designated as Residential Agriculture. General agriculture and intensive agriculture are allowable use types for this designation.</p> |



| Plan Section             | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding   |
|--------------------------|--|---|
| Circulation<br>Chapter 7 | <p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p> | <p>The project is located at 2400 Eubanks Road on APN 220-171-006. The subject parcel is accessed via a 1.9-mile drive on Eubanks Road from Ettersburg Honeydew Road. The road segment serves seven other parcels, of which two have pending cannabis applications on file.</p> <p>The applicant has provided a Road Evaluation stating that Eubanks Road is privately maintained and has the functional capacity of a Category 4 road capable of accommodating commercial traffic. Ettersburg Honeydew Road is a County-maintained Category 4 road. The project was reviewed by the Public Works Department which recommended approval with the condition that the applicant pave Eubanks Road for a minimum width of 20 feet and a length of 50 feet where it intersects Ettersburg Honeydew Road. Prior to constructing improvements within the County-maintained right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. Additionally, the intersection between Eubanks Road and Ettersburg Honeydew Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). These requirements are included in the conditions of approval for the project. The applicant is encouraged to collaborate with other applicants using Eubanks Road to complete the road paving requirement and to maintain the intersection of Eubanks Road and Ettersburg Honeydew Road on an ongoing basis.</p> |
| Housing<br>Chapter 8     | <p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>  | <p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>   |

| Plan Section   | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding  |
|--|--|--|
| <p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p> | <p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.</p> | <p>The project site is within or near a land use designation or zoning classification identified for the Local Open Space Plan, and the proposed development is consistent with the Plan. The subject parcel is 36.89 acres in size and contains forest and meadow features. The majority of the subject parcel is undeveloped with undisturbed forested buffers between the cultivation areas, property lines, and surface water features on the parcels. An unnamed tributary to Eubank Creek is the sole mapped Streamside Management Area on the subject parcel.</p> <p>(See Biological Resources Section 10.3 for additional discussion).</p> |

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| <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 includes forest and ridgetop meadow features. No tree or vegetation removal for cannabis cultivation has occurred or is proposed on the parcel. Cultivation occurs in a ridgetop meadow visible in 2005 aerial imagery.</p> <p>A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately 0.21 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately 0.79 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.35 miles away.</p> <p>Power to the cultivation project is provided by a solar array with generator backup. The applicant will enclose the generator or will install sound mufflers to ensure that noise levels remain below 50 decibels at 100 feet away from the generator. Artificial light in the applicant's nursery will be shielded with light deprivation tarps in compliance with International Dark Sky Standards. The project is conditioned that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.</p> <p>The project is within the Cape Mendocino Planning Watershed, the Headwaters of Mattole River HUC 12 Watershed, and the Eubank Creek Super Planning Watershed. Water for irrigation is sourced from a point of diversion on an unnamed tributary to Eubank Creek and is stored in hard tanks. The applicant holds a Right to Divert and Use Water (H100019) and a Streambed Alteration Agreement (1600-2017-0310-R1) for this point of diversion. This project includes a Special Permit for encroachment into the County's Streamside Management Area for the point of diversion, which is forbearance requirements established in the Streambed Alteration Agreement. Between May 15th and October 30th of each year no more than 150 gallons per day shall be diverted. The maximum instantaneous diversion rate from the water intake shall not exceed 3 gallons per minute (gpm) at any time, and the applicant shall pass 90% of the inlet flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion. The applicant shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and shall record the quantity of water diverted on a weekly basis. The project</p> |
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| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding  |
|--|---|--|
|  |   | <p>includes restoration work within a Streamside Management Area associated with a historic cultivation site. All cultivation-related materials shall be removed and native grasses shall be planted to ensure soil stability on the footprint of the decommissioned site.</p> <p>The project was referred to the California Department of Fish and Wildlife (CDFW) and, although CDFW did not provide project specific comments, the following ongoing conditions be added to the project to protect local wildlife: The backup generator and any greenhouse fans shall be kept covered or otherwise muffled such that noise released is no greater than 50 decibels as measured at 100 feet way from the noise source. The applicant shall adhere to the forbearance requirements established through their Final Streambed Alteration Agreement (1600-2014-0045-R1), or any future Streambed Alteration Agreements issues. The applicant shall adhere to a prohibition on synthetic netting, shall leave any wildlife encountered unharmed, and shall contain all refuse in wildlife proof storage containers and dispose of it at an authorized waste management facility. These conditions can be found in ongoing conditions of approval for the project. Additionally, for the protection of the Northern Spotted Owl, the applicant shall submit documentation demonstrating that the backup generator is contained such that noise is appropriately attenuated.</p> |
| <p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p> | <p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p> | <p>The project was reviewed by the Northwest Information Center (NWIC), which found no record of any previous cultural resource studies for the proposed project area. It was subsequently reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria reviewed the project and requested that standard inadvertent discovery language be included as a condition of project approval. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.</p>  |



| Plan Section   | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding   |
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| <p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p> | <p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2). Related standards: SR-S4, Light and Glare.</p> | <p>The project is not sited near a State Scenic Highway. It involves the cultivation of 9,900 square feet of outdoor cannabis in greenhouses using light deprivation and it involves ancillary structures. As required by the Conditions of Approval, light deprivation tarps will be used to shield all greenhouses such that no light escapes a level visible from neighboring properties between 30 minutes prior to sunset and 30 minutes after sunrise. Vegetated buffers are maintained between all cultivation areas and neighboring parcels or roads.</p> |

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| <p>Water Resources<br/>Chapter 11</p> <p>Stormwater<br/>Drainage</p> | <p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.</p> | <p>The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. A Water Resources Protection Plan (WRPP) was prepared for the site by Timberland Resource Consultants pursuant to a field inspection conducted 3/24/2017 (See Attachment 4). The WRPP states that the section of Eubanks Road on the subject parcel has a rocked surface is in good condition. One section has inadequate drainage and should be corrected through the installation of two rolling dips, as referenced in the WRPP by Site 01 and 02 to improve the drainage on this section of road. Other seasonal roads on the parcel are well rocked and maintained but could be improved through the addition of ditch relief culverts and rolling dips at Sites 03, 04, 05, 06, 08, 12, 13, and 14. At Site 11, there is a gully feature where a ditch relief culvert outlet drains onto an unconsolidated hillside and the addition of a straw waddle to be installed perpendicular to the gully will slow the energy and prevent further erosion. There is one watercourse crossing on the property (Site 16), where a 48" culvert is functioning adequately and is appropriately sized for a 100-year storm event.</p> <p>The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element.</p> <p>The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Additionally, conditions of approval also require the applicant to retain a grading</p> |
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| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding   |
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|  |   | <p>permit for any grading relating to site development of cannabis cultivation, including historic cultivation areas and roads that will be restored or are no longer proposed for use. As conditioned, the project does not pose a threat to public safety from exposure to natural or manmade hazards.</p>  |
| <p>Water Resources<br/>Chapter 11</p> <p>Onsite<br/>Wastewater<br/>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>The project is family operated and has no employees. Drying and processing will occur onsite in an existing structure. To process on site, the structure will require a commercial building permit, an ADA restroom, and an Onsite Wastewater Treatment System (OWTS) approved by the Department of Environmental Health (DEH). The project was reviewed by DEH which recommended approval with the condition that the applicant establish an approved OWTS system for the existing structure proposed for processing. This is included in conditions of approval for the project. If the structure cannot be brought to commercial standards, then the applicant may process off site at a licensed third-party facility.</p>   |
| <p>Noise<br/>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>Cultivation occurs in a naturally open area on a ridge top. A review of data from the California Natural Diversity Database (CNDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately .21 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately .79 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.35 miles away. The site requires special noise attenuation measures. Though must electricity used for the cannabis cultivation and ancillary activities is sourced from an onsite solar array, a generator powers the pump used to move water from the point of diversion to the applicant's water storage tanks. Conditions of approval require the generator to be equipped with secondary containment to prevent seepage of fuels to groundwater or surface water and to be housed inside a structure or otherwise muffled. The project is conditioned that any project related noise, including noise from the generator, shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.</p> |

| Plan Section   | Summary of Applicable Goal, Policy or Standard  | Evidence Which Supports Making the General Plan Conformance Finding  |
|--|---|--|
| <p>Safety Element<br/>Chapter 14</p> <p>Geologic &amp; Seismic</p> | <p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P7, Structural Hazards; and S-P11, Site Suitability.</p> | <p>The project site is not located in a mapped Alquist-Priolo fault zone or is subject liquefaction. The site is in an area designated as Moderate Instability (2) on the County's GIS. There are no mapped historic landslides on the subject parcel. The structures and grading associated with the project shall be reviewed by the County Building Division for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks. The applicant shall obtain the relevant building permits for all existing and proposed structures and grading.</p> <p>Based on the project, evidence before staff, and Conditions of Approval, the project does not pose any other threat to public safety related from exposure to natural or manmade hazards.</p> |
| <p>Safety Element<br/>Chapter 14</p> <p>Flooding</p>               | <p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; and S-P15, Construction Within Special Flood Hazard Areas.</p>  | <p>The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 5.48 miles distance from the coast and around 1280 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>  |
| <p>Safety Element<br/>Chapter 14</p> <p>Fire Hazards</p>           | <p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>   | <p>The subject parcel is located within an area with a high fire hazard severity. The project site is located within the Telegraph Ridge FPD and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe, Resource Management, and Cannabis Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p>   |

| Plan Section   | Summary of Applicable Goal, Policy or Standard   | Evidence Which Supports Making the General Plan Conformance Finding   |
|--|--|---|
|  |  | A 2,500-gallon tank is designated for fire suppression on the parcel. Conditions of approval for the project require the applicant to demonstrate that the driveway and emergency vehicle turn arounds conform with Humboldt County Code Section 3112-12, the Fire Safe Regulations.  |
| Community Infrastructure and Services Element, Chapter 5<br><br>Implementation Action Plan | 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.   | The subject parcel is within the Telegraph Ridge FPD boundaries.  |
| Air Quality Chapter 15   | 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).<br><br>Related policies: AQ-P4, Construction and Grading Dust Control; and AQ-P7, Interagency Coordination. | The project was referred to the North Coast Air Quality Management District (NCAQMD), but no response was received. Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during any construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. |

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

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

| Zoning Section                          | Summary of Applicable Requirement  | Evidence That Supports the Zoning Finding   |
|---|--|---|
| §312-1.1.2<br><br>Legal Lot Requirement | Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations. | The parcel of land known as APN 220-171-006 is one legal parcel created through deed conveyance as recorded in Volume 1040 Official Records, Page 142 April 20, 1970. 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. |



| <b>Zoning Section</b>                     | <b>Summary of Applicable Requirement</b>   | <b>Evidence That Supports the Zoning Finding</b>   |
|---|--|--|
| Unclassified (U):<br>§314-8.1             | The principal permitted uses in the Unclassified zoning designation are one-family dwelling, general agriculture, rooming and boarding of not more than two people, and manufactured home. | The proposed action would permit an outdoor commercial cannabis cultivation in existence prior to January 1, 2016. on a 36.89-acre (assessed lot size) legal parcel in the Ettersburg area zoned Unclassified (U). The existing cultivation area totals 6,000 square feet of outdoor cannabis cultivation using light deprivation. An additional 3,900 square feet of outdoor cultivation is proposed and is supported by a Soils Report prepared by Whitchurch Engineering. The proposed cannabis cultivation use is specifically allowed with a Special Permit in the U zone under Section 314-55.4.8.2.2 of the CMMLUO. |
| Minimum Lot Area:                         | 6,000 square feet  | 36.89-acres  |
| Minimum Lot Width:                        | 50 feet  | ~1255 ft   |
| Maximum Lot Depth:                        | Three times the width  | ~1275 feet   |
| Minimum Yard Setbacks:                    | Front: 20 feet<br>Rear: 10 feet<br>Side: 5 feet  | Front: >30 feet<br>Rear: >30 feet<br>Side: > 30 feet   |
| Through the SRA Setbacks                  | SRA: 30 feet all sides   |  |
| Minimum Distance Between Major Buildings: | 20 feet  | > 20 feet  |
| Maximum Ground Coverage:                  | < 40%  | < 40%  |
| Max. Building Height:                     | None specified   | < 35 feet  |

|   |  |   |
|---|--|---|
| <p>§314-61.1<br/>Streamside<br/>Management<br/>Area (SMA)</p> | <p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance. Development within SMAs may include wildlife enhancement and restoration projects. The SMA of Class I or Class II streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line. The SMA of Class III or intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p> | <p>The subject parcel contains one watercourse, an unnamed Class II watercourse that is tributary to Eubank Creek, a tributary to the Mattole River. All cultivation-related features on the subject parcel are located outside of Streamside Management Area (SMA) of this watercourse with the exception of a point of diversion that provides water for cannabis irrigation. Buffers are natural slopes, undeveloped, and heavily vegetated with native trees and thick brush. Soils are not stored or placed within Streamside Management Areas.</p> <p>Per the applicant's Water Resources Protection Plan (WRPP), there are no soil spoils stored or placed in an SMA or anywhere that they can enter surface water. There is one location on the parcel where vehicles and tires are located in the head of a Class III watercourse. While these are not cultivation-related and have no nexus to the cannabis project, the WRPP recommends their removal from the channels at Site 11, and implementation of the mitigation and monitoring recommendations provided in the WRPP is a condition of approval. The project includes a Special Permit for encroachment into the SMA for restoration work associated with the cleanup of Site 11. The restoration work will consist of removal of all cultivation-related materials and revegetation of the site with native grass species. The revegetation will ensure soil stability and will prevent the delivery of sediment from exposed soils into watercourses.</p> <p>Water for irrigation is sourced from the point of diversion described above. The diversions structure I a 10-inch diameter by 12-inch tall perforate cylindrical plastic bucket placed in a Class II Watercourse. Surface water is diverted via 1.5-inch diameter poly-pipe to two 2,500-gallon and a 1,640-gallon hard plastic storage tanks. It is then pumped upslope to storage in the rest of the applicant's water tanks. The Applicant holds a Right to Divert and Store Water issued by the State Water Resources Control Board (Certificate H100019) and a Final Streambed Alteration Agreement (Notification No. 1600-2017-0310-R1) for the point of diversion. Per the Streambed Alteration Agreement, the work for the water diversion will include retrofit, use and maintenance of the water diversion infrastructure. The maximum instantaneous diversion rate from the water intake shall not exceed 3 gallons per minute (gpm) at any time. The permittee shall pass 90% of the inlet flow at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion. No more than 150 gallons per day shall be diverted during the low flow season from May 15 to October</p> |
|---|--|---|

| Zoning Section | Summary of Applicable Requirement | Evidence That Supports the Zoning Finding  |
|----------------|-----------------------------------|--|
|                |                                   | <p>30 of any year. Water shall be diverted only if the permittee can adhere to the bypass flow and maximum diversion rate requirements. The permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring. With these requirements, the point of diversion should not harm the watercourse or aquatic life, and a Special Permit for encroachment into the Streamside Management Area for the point of diversion used for agricultural irrigation (cannabis cultivation) is included in this project.</p> <p>The Streambed Alteration Agreement also includes culvert replacement or decommissioning at three points. This work is exempt from the Streamside Management and Wetland Area ordinance and no Special Permit is required to complete the required improvements.</p> |

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

|   |  |  |
|---|--|--|
| <p>§314-55.4.8.2</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>The subject parcel is zoned Unclassified (U). A review of aerial imagery does not indicate that timber conversion has occurred on this site in association with commercial cannabis activity.</p> |
|---|--|--|

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

|  |  |   |
|--|--|---|
| <p>§314-55.4.8.2.2</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 &gt;10,000 - 43,560 sf on parcels over 1-acre, zoned FR.</p>  | <p>The proposed action is one Special Permit for an existing 6,000 square feet of outdoor cannabis cultivation operation and for 3,900 square feet of new cannabis cultivation in an area with prime agricultural soils on a property zoned U. Aerial imagery on TerraServer indicate that existing cultivation operations on the property began sometime before 2016. On 10/26/2015 there was approximately 6,000 square feet of outdoor cannabis cultivation on the property. At the applicant's request, this Special Permit will authorize 6,000 square feet of existing and 3,900 square feet of new outdoor cannabis cultivation on the parcel. 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>  |
| <p>§314-55.4.8.2.1</p> <p>New Outdoor and Mixed Light Cultivation</p>            | <p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate may be issued for new outdoor or mixed-light commercial cannabis cultivation for an area up to 10,000 square feet that was not previously in existence as of January 1, 2016, on parcels with Prime Agricultural Soils, in zoning districts RA, U, FP, DF, AG, or AE, on slopes of 15% or less, and with documented current water right or other nondiversionary source of irrigation water (e.g., municipal, public utility, or permitted well), subject to the conditions and limitations set forth in this section. The cultivation area shall be located on the Prime Agricultural Soils on the parcel and no more than 20% of the area of Prime Agricultural soils on the parcel may be permitted for commercial medical marijuana cultivation.</p> | <p>The applicant proposes 3,900 square feet of new outdoor cultivation on a parcel zoned U. The new cultivation will be situated near the existing cultivation in an area with slopes of 15% or less. The water source for the new cultivation is a point of diversion operated under a documented current water right (Certificate H100019) and a Streambed Alteration Agreement (1600-2017-0310-R1). It is supported by a Prime Ag Soils Report prepared by Whitchurch Engineering finding that all soils on the 40-acre parcel satisfy the requirements of the LCC Index to be classified as a "Class I or Class II" soils, which is considered "prime soil" for agricultural purposes per Ordinance number 2544. The new cultivation will occupy less than 20% of the parcel and therefore less than 20% of the available prime agricultural soils.</p> <p>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> |

| <b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b> |   |   |
|---|---|---|
| §314-55.4.8.10<br>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, Mattole Valley Farms Business Support Services, LLC, holds no other cannabis permits and has only applied for the subject permit. The applicant is entitled to four. This application includes one Special Permit for cannabis cultivation.   |
| §314-55.4.9.1<br>Accessory Processing   | Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Permit application.   | Drying and processing will occur onsite in an existing structure. To process on site, the structure will require a commercial building permit, an ADA restroom, and an Onsite Wastewater Treatment System (OWTS) approved by the Department of Environmental Health (DEH). The project was reviewed by DEH which recommended approval with the condition that the applicant establish an approved OWTS system for the existing structure proposed for processing. This is included in conditions of approval for the project. If the structure cannot be brought to commercial standards, then the applicant may process off site at a licensed third-party facility.   |
| §314-55.4.10<br>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<br>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 permits.   |
| §314-55.4.11.c<br>Performance Standards-Water   | Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration. | <p>Water for cannabis irrigation and for fire suppression is sourced from a point-of diversion on an unnamed stream that is a tributary to Eubank Creek. There is 109,140 gallons of water storage capacity in hard tanks on the parcel. The applicant holds a Right to Divert and Use Water that meets the requirements for registration of small irrigation use appropriation (Certificate H100019). They also have a Final Streambed Alteration Agreement covering the point-of-diversion and three stream crossings (1600-2017-0310-R1). The diversion is subject to forbearance between May 15<sup>th</sup> and October 30<sup>th</sup> of each year. Water is delivered to the cannabis plants via hand watering with garden hoses. The applicants expect two light deprivation harvest cycles per year and their estimated annual water use is 64,500 gallons (For more information see Biological Resources Section).</p> <p>See Section 2, Zoning Compliance, §314-61.1 Streamside Management Area (SMA), for discussion on agency approvals associated with the point of diversion.</p> |

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

|  |  |   |
|--|--|---|
| §314-55.4.11.d<br>Performance<br>Standards-Setbacks            | The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).   | There are no schools within 600 feet of the cultivation operation. There are no parks as defined in HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. There are no structures within the 30-foot SRA setback between the subject parcel and adjacent parcels. There are no cultivation areas or related features within Streamside Management Areas on the parcel with the exception of a point of diversion used for cannabis irrigation and for fire suppression. The project includes a Special Permit for encroachment into the County's Streamside Management Area for this point of diversion and for restoration activities associated with a historic cultivation site (See Biological Resources and Streamside Management Area sections for more information).  |
| §314-55.4.11.o<br>Performance<br>Standards-<br>Generator Noise | The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. | Cultivation occurs in a naturally open area on a ridge top. A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately .21 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately .79 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.35 miles away. The site requires special noise attenuation measures. Though must electricity used for the cannabis cultivation and ancillary activities is sourced from an onsite solar array, a generator powers the pump used to move water from the point of diversion to the applicant's water storage tanks. Conditions of approval require the generator to be equipped with secondary containment to prevent seepage of fuels to groundwater or surface water and to be housed inside a structure or otherwise muffled. The project is conditioned that any project related noise, including noise from the generator, shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer. |
| §314-55.4.17<br>Sunset Date                                    | No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.   | The applicant filed the application on December 02, 2016.   |



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

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

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

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

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site processing, and development within the Streamside Management Area for a point of diversion and restoration work associated with a historic cultivation site. 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 MEDICAL MARIJUANA LAND USE ORDINANCE**

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

***APN 220-171-006, 2400 Eubanks Road, Eftersburg, County of Humboldt***

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

**December 2019**

## Background

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

A Special Permit for the continued operation of an existing cannabis cultivation site consisting of 6,000 square feet of existing and 3,900 square feet of new cannabis cultivation and ancillary facilities. Cultivation activities extend February through November. There will be two harvests annually in July and September. Water for cannabis irrigation is sourced from a point-of diversion. There is 109,140 gallons of water storage capacity in hard tanks on the parcel. Water is delivered to the cannabis plants via hand watering. The applicant's estimated annual water use is 64,500 gallons. Power is provided by an existing solar array. Cannabis is dried and processed onsite in an existing structure. No employees will work on site. The project includes a Special Permit for development within the Streamside Management Area associated with a point of diversion and for restoration activities associated within a historic cultivation site.

The subject parcel contains mixed-meadow and forest features. Existing and proposed cultivation will occur in an existing ridge top meadow. No vegetation removal is proposed. A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting is approximately .21 miles away from the cultivation area on the subject parcel and the nearest mapped Northern Spotted Owl activity center is approximately .79 miles away. The nearest mapped Marbled Murrelet habitat is approximately 1.35 miles away. The project was referred to the California Department of Fish and Wildlife (CDFW) and, although they did not provide project specific conditions, the following ongoing conditions be added to the project to protect local wildlife: The backup generator and any greenhouse fans shall be kept covered or otherwise muffled such that noise released is no greater than 50 decibels as measured at 100 feet way from the noise source. The applicant shall adhere to the forbearance requirements established through their Final Streambed Alteration Agreement (1600-2014-0045-R1), or through any future Streambed Alteration Agreement covering the point of diversion. The applicant shall adhere to a prohibition on synthetic netting, shall leave any wildlife encountered unharmed, and shall contain all refuse in wildlife proof storage containers and dispose of it at an authorized waste management facility. These conditions can be found in ongoing conditions of approval for the project. Additionally, for the protection of the Northern Spotted Owl, the applicant shall submit documentation demonstrating that the backup generator is contained such that noise is appropriately attenuated.

The project was reviewed by the Northwest Information Center (NWIC), which found no record of any previous cultural resource studies for the proposed project area. It was subsequently reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria reviewed the project and requested that standard inadvertent discovery language be included as a condition of project approval. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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 habitat restoration, compliance with noise and light standards to limit disturbance to wildlife, 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:

- Water Resources Protection Plan prepared by Timberland Resource Consultants
- County GIS.
- Site Plan and Operations Plan for Mattole Valley Farms Business Support Services, LLC.
- Right to Divert and Use Water for irrigation on APN 220-171-006 (H100019).
- Streambed Alteration Agreement (1600-2017-0310-R1).
- Soil Report prepared for APN 220-171-006 by Whitchurch Engineering.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

#### **FINDINGS**

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

#### **CONCLUSION**

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



## ATTACHMENT 4

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

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 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. (Attached – Right to Divert and Use Water – Certificate H100019; On file – Initial Statement of Water Diversion and Use)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. R1-2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Water Resources Protection Plan prepared by Timberland Resource Consultants for APN 220-151-003; On file – enrollment documents)
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 - Notification 1600-2017-0310-R1)
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

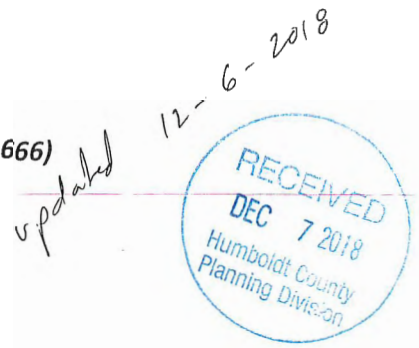
timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE. (Not applicable)

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. Soils Report prepared by Whitchurch Engineering for APN 220-171-006. (Attached)
16. Road Evaluation Report for APN 220-171-006. (Attached)

**CMMLUO SITE/OPERATIONS OVERVIEW (APPS# 11666)**

**ZCC 16-218**

**APN: 220-171-006**



**Project Description:** The applicant is seeking a Zoning Clearance Certificate under the Humboldt County CMMLUO to allow continued outdoor cultivation up to 6,000 ft<sup>2</sup>, additional new outdoor cultivation of 3,900 ft<sup>2</sup> and development of appurtenant support infrastructure/facilities on the subject parcel. The new cultivation proposed is supported by prime agricultural soils which are documented in a report by *Dirty Business* included with this submission. Total cultivation proposed is 9,900 ft<sup>2</sup>.

The applicant acknowledges that the commercial cannabis activity approval being sought under the aforementioned conditional use permit, pursuant to CMMLUO, is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws. Determination of compliance will require multi-agency review of proposed activity/development described in the aforementioned permit application and, may also require site inspections by personnel from various governmental agencies.

If development and/or activities on the subject parcel are determined, for some reason, to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a "Provisional Clearance or Permit" and corrective action is initiated to achieve compliance under agreed upon terms.

**Parcel Information:** The subject parcel (220-171-006) is approximately 37 acres, zoned unclassified (U) with AL(40) framework designation. The assigned address: 2400 Eubanks Road, Whitethorn.

**Topography/Landscape:** The subject parcel is situated on a SW facing hillside. Developed clearings in the NW parcel quadrant average slopes of 10% or less. The parcel is covered with native tree species with the exception of a few clearings in which limited development has occurred.

**Surface Water Features:** A Class II watercourse flows over S/SW portions of the subject parcel.

**Roads/Stream Crossings/Easements:** The subject parcel is accessed from Eubanks Road; the access driveway into the subject parcel terminates therein. Interior road conditions including stream crossings shall be assessed in the development of a site-specific Water Resources Protection Plan (WRPP) by Timberland Resource Consultants. Where necessary, the WRPP prescribes corrective measures to upgrade specific road condition deficiencies identified and sets a time frame in which to complete work. Work prescribed within a WRPP does not preclude the need to comply with other state and county road requirements applicable to the aforementioned permit application

**Utilities:** Electric power from solar panels and back-up generator, domestic propane tank, pit-privy and portable toilet.

**Water Supply:** Currently, all water is sourced from a surface water diversion.

Documentation demonstrating the legal authorization for the ongoing use of the current and/or future water source(s) for activity/development proposed under the aforementioned zoning clearance certificate shall be established in conjunction with the Water Resources Protection Plan being prepared by Timberland Resource Consultants (RWQCB approved 3<sup>rd</sup> party) and provided as soon as it becomes available.

**Water Storage:** Current facilities/tanks in use include:

(15) – 5,000 gallon

(5) – 2,500 gallon

(2) – 10,000 gallon

(1) – 1,640 gallon

**Cultivation Area(s):** Proposed Cultivation is limited to a cleared area near the NE corner of the parcel as shown on site plan encompassing 6,000 ft<sup>2</sup> (Interim Permit)

1 – 24' x 100'

1 – 24' x 96' approx. 2,300 ft<sup>2</sup>

1 – 10' x 50'

1 – 10' x 80'

Propagation Area: 10' x 80'

Proposed New Cultivation on Prime Ag Soil:

$2,300 \text{ ft}^2 + 1,600 \text{ ft}^2 = 3,900 \text{ ft}^2$

Cultivation Areas and surrounding ground surfaces will be evaluated in the development of a site-specific Water Resources Protection Plan (WRPP). The WRPP will prescribe corrective measures to address conditions which may adversely impact water resources and it will establish a timeline in which to achieve compliance with RWQCB Order No.2015-0023. Corrective measures prescribed in the WRPP do not preclude the need for Cultivation Areas or other manmade features to be brought into compliance with all applicable state and local grading, excavation and erosion/sediment control regulations and requirements.

**Peak Water Demand:** The peak monthly water demand projected to maintain plants during the warmest months is 15,000 gallons per month. The “Monthly Water Use” table below shows water use during the grow season. Totalizing flow meters shall be incorporated into the irrigation system enabling accurate monitoring and recording of water usage in compliance with applicable regulations.

*There is no agricultural water use during the months not shown*

|                  | 9,900 ft <sup>2</sup> total<br>cultivated area to be<br>irrigated | <b>Plant Stage</b> | <b>Total Gallons</b> |
|------------------|---|--------------------|----------------------|
| <b>April</b>     |   | starts             | 500                  |
| <b>May</b>       |   | veg                | 5,000                |
| <b>June</b>      |   | veg                | 10,000               |
| <b>July</b>      |   | veg/flower         | 15,000               |
| <b>August</b>    |   | veg                | 15,000               |
| <b>September</b> |   | veg                | 12,000               |
| <b>October</b>   |   | flower             | 7,000                |

**Irrigation Method(s):** Hand watering with conventional garden hoses ensures no unattended irrigation takes place at any location. Water delivery throughout the system is carefully monitored on a regular basis to ensure proper function and responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention. Occasional hand watering may be employed if needed.

**Irrigation Runoff/Erosion control:** The practice of careful hand watering minimizes the chance of overwatering or residual discharge of irrigation solutions. In the unlikely event that residual discharge did occur it would contact permeable soil on nearly level ground in and around cultivation areas and be rapidly absorbed. **Lateral movement/irrigation runoff** of any irrigation solutions away from the point of ground contact is very unlikely. The ground surface in and around cultivation areas is proactively managed to prevent any unwanted migration of entrained constituents such as fine sediment, fertilizer or other organic particles.

**Watershed Protection:** The Cultivation Areas on the subject parcel meet applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Natural vegetative buffers surrounding clearings/Cultivation Areas remain undisturbed. The applicant ensures BMP's related to storage, use and disposal of cultivation related materials/products in and around cultivation areas are adhered to at all times. This includes limiting cultivation activities to the immediate area where cultivation occurs and keeping products/materials securely confined so spreading due to weather or pests does not occur. **Watershed protection** will be ensured by adherence to measures prescribed in a Water Resources Protection Plan being developed specifically for this parcel by Timberland Resource Consultants under Regional Water Quality Control Board WDR Order # R1-2015-0023 enrollment requirements. Included with this submittal is a signed copy of Appendix A "Enrollment Notice of Intent".

Once enrolled under R1-2015-0023, participants are required to engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following listed items are being met:

|   |                                    |
|---|------------------------------------|
| <i>Site maintenance, erosion control, and drainage features</i> | <i>Stream crossing maintenance</i> |
| <i>Riparian and wetland protection and management</i>           | <i>Spoils management</i>           |
| <i>Water storage and use</i>                                    | <i>Irrigation runoff</i>           |
| <i>Fertilizers and soil amendments</i>                          | <i>Pesticides and herbicides</i>   |
| <i>Petroleum products and other chemicals</i>                   | <i>Cultivation-related wastes</i>  |
| <i>Refuse and human waste</i>                                   |                                    |

Additionally, participants ensure that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly.

Night time Light Spillage from each greenhouse is prevented by careful use of black out tarps during the short duration which lights are used in an effort to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1.

No generator use associated with agricultural operations.



***Fertilizers/Amendments/Regulated Products:***

***List and describe machinery and equipment used for cultivation and associated activities.***

12.5 kw generator – powers water pump, solar fans

***Describe equipment service and maintenance; including where it is done (oil change, cleaning, etc.)***

Equipment maintenance is done in Redway or Garberville by qualified service providers.

***List and describe petroleum products and automotive fluids used onsite.***

Fuel is stored in a 250 gallon tank on a stand with spill containment beneath.

***List and describe compressed gases, cleaners, solvents and sanitizers used (including, but not limited to household chemicals, bleach, alcohol); indicate amounts normally stored and how/where they are stored.***

500 gallon Domestic propane tank – Blue Star Gas

***List and describe fertilizers, soil amendments, pesticides, herbicides and rodenticides used.***

***Indicate the amount normally stored and how/where they are stored***

The following fertilizers/amendments are used at the start of the grow season. The mixing of these products takes place only within a small area near cultivation sites and the products are kept protected from accidental spillage or disturbance from wildlife during that process.

|                                |
|--------------------------------|
| <i>Age Old Grow</i>            |
| <i>Age Old Bloom</i>           |
| <i>Bone Meal</i>               |
| <i>Bat Guano</i>               |
| <i>Vital Earth Veg/tomatoe</i> |

Additional product may be brought to the site later in the season if needed. Any remaining product is stored within the solid floor storage shed near the Cultivation Area. Stored products are kept on pallets in the original packaging/containers secured such that no spillage occurs. The storage shed is weather-proof and prevents exposure to pests and inclement weather.

The applicant acknowledges that the storage and/or use of certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

**Cultivation Related Wastes:** Cultivation related wastes are sorted such that green waste materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for composting, are stored in conventional lid trash containers along with domestic garbage and hauled to an approved transfer station/disposal facility as needed. If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over native soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

**Human Waste:** The subject parcel is not developed for residential occupancy; use is limited to seasonal agriculture. There is a pit privy and an cabin in close proximity to the cultivation area.

**Cultivation Operations/Practices (include generator and light usage):**

|          |   | Lights On<br>Hrs./Day |
|----------|---|-----------------------|
| February | Overall site/infrastructure maintenance, ensure erosion control implemented, prepare cultivation areas, etc |                       |
|          |   |                       |
| March    |   |                       |

|           |  |   |
|-----------|--|---|
|           | Continue agriculture preparations, evaluate irrigation system etc.   |   |
| April     | Initiate propagation, solar lights used at night – greenhouses covered to prevent spill, regular garden care.                            | 5 |
| May       | Complete preparation of outdoor garden, plant full term outdoor, ongoing site/garden care.   |   |
| June      | Ongoing site maintenance and garden care, monitor water usage, etc   |   |
| July      | Harvest of 1 <sup>st</sup> round light dep. Dry/process, Plant 2 <sup>nd</sup> round, continue garden care, maintain site/infrastructure |   |
| August    | Ongoing site maintenance and garden care, continue water use monitoring, etc.  |   |
| September | Begin harvest 2 <sup>nd</sup> round light dep. Dry/process, outdoor garden care  |   |
| October   | Harvest outdoor plants, Dry/process, start site clean up   |   |
| November  | Finish site cleanup and winterize  |   |
|           |  |   |

**Processing:** Currently harvested plants are dried and processed/trimmed onsite by the owner applicant inside of the cabin. Plants are harvested at peak ripeness and set to dry in the cabin. Fans may be used to aid with natural air drying.

All equipment, utensils and surfaces which come into contact with harvested plants are cleaned, rinsed and sanitized on a regular basis in accordance with the National Organic Program's (NOP) Organic Standards (USDA organic regulations 7 CFR 205.272). These standards require that an organic handling operation take measures to prevent the commingling of organic and nonorganic products and protect organic products from contact with prohibited substances and list acceptable and prohibited compounds.

Ample potable water for handwashing and restroom facilities are in close proximity to all processing activities.

**Security:** There is a single private drive which provides access to the subject parcel. The private drive terminates at the interior of the parcel at the residence location and is equipped with metal locking gates.

### ***Processing:***

Plants are periodically inspected to ensure that any indication of pests, molds, mildews or disease are immediately addressed and crop quality is maintained. When ready, individual plants are hand harvested, placed inside clean transport containers and immediately transferred to the cabin where they are hung to dry and undergo processing/trimming. The drying area is cleaned thoroughly prior to placement of any harvested plants therein to minimize potential contaminant contact. Natural air flow may be supplemented with careful use of household fans and dehumidifiers to facilitate drying and maintain product quality control.

When plants have achieved optimal dryness, they will be removed from the drying section and set out for flower removal. The removed flowers will be placed into clean bags and/or containers where they will await final manicuring. As flowers are manicured they will be weighed into one-pound bags and again checked for moisture content. Upon determination that optimum moisture content is attained, flowers will be placed into sterile bags, sealed and labeled. Individual sealed bags will be stored in plastic storage totes kept in an environmentally friendly, secure location while awaiting marketing/sales through licensed facilities.

**All processing/trimming is completed by the applicant and immediate family.** There are no employees utilized in the cultivation operations on the subject parcel.

All equipment, surfaces and tools used in the harvesting/drying/trimming of cultivated product are used exclusively for that purpose. Equipment, surfaces and tools are visually inspected, washed and sanitized throughout the day. A gentle detergent (such as *Simple Green or equivalent*) is used for cleaning followed by rinsing with potable water. Isopropyl Alcohol is applied as a sanitizer.

Individuals engaged in processing/trimming are cognizant of potential mold and mildew problems associated with cultivation/processing. Handwashing with potable water and soap occurs upon entrance into the cabin as well as use of new latex gloves, face masks and hair nets. Any suspect plant matter which appears compromised for any reason is carefully removed and disposed of avoiding cross contaminant contact with other product, equipment or utensils. A separately designated green-waste stream is implemented to recycle plant waste.

The applicant is experienced with processing/trimming and well versed in the use/cleaning of equipment utilized throughout the operation. Cleaning materials are stored on shelves away from working surfaces. A fire extinguisher is readily available. The working space is kept clean and orderly and used exclusively for processing/trimming; this optimizes safety and functionality.

Ample potable water for handwashing and restroom facilities are in close proximity to the cabin where processing/trimming takes place. The restroom is equipped with first aid kits and eye-wash kits for emergency use.

As stated previously, the *Commercial* connotation associated with this permit application may misrepresent the scale/magnitude of this particular operation. Individuals residing on the property cultivate no more than 10,000 ft<sup>2</sup> and carry out processing/trimming without external assistance. This particular operation doesn't involve any extra **vehicle trips/road use** beyond that which would normally occur for a typical rural residence in the area.



STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H500527

CERTIFICATE H100019

Right Holder: Virgil Willner  
PO Box 736  
Redway, CA 95560



The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 03/12/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion **(Coordinates in WGS 84)**

| Name of Diversion | Source         | Tributary To: | Thence        | Latitude | Longitude | County   | Assessor's Parcel Numbers (APN) |
|-------------------|----------------|---------------|---------------|----------|-----------|----------|---------------------------------|
| Mattole POD       | Unnamed Stream | Eubank Creek  | Mattole River | 40.0799  | -123.9748 | Humboldt | 220-171-006                     |

2. Purpose of Use and 3. Place of Use

| 2. Purpose of Use           | 3. Place of Use |                                 |           |
|-----------------------------|-----------------|---------------------------------|-----------|
|                             | County          | Assessor's Parcel Numbers (APN) | Acres     |
| Irrigation, Fire Protection | Humboldt        | 220-171-006                     | 0.2295684 |

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 04/02/2018.

The place of use is shown on the map filed on 04/02/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.29 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy. The total storage capacity shall not exceed 0.31468376 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative ~~instream flow requirements~~, of the current version of the State Water Board's Cannabis Policy, which is available online at: [http://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy.pdf](http://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf)
6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.



8. No water shall be diverted under this right unless right holder complies with all laws, rules, and conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
  - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
  - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
  - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
  - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife Policy and the State Water Boards Cannabis Cultivation Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior

to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.

20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 04/02/2018 10:56:56

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# **Water Resource Protection Plan**

**WDID# - 1B171650CHUM**

**180101070202TRC375**

**APN 220-171-006**



*Prepared by:*

**Timberland Resource Consultants**

**165 South Fortuna Blvd**

**Fortuna, CA 95540**

**03/24/2017**

**Revised: 5/16/2018**

### **Purpose**

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the discharger, for the Humboldt County property identified as APN 220-171-006, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. California Regional Water Quality Control Board, North Coast Region, Order R1-2015-0023, conditionally waives the requirement for the property owner to file an ROWD for discharges and associated activities described in Finding-4.

### **Scope of Report**

Order No. R1-2015-0023 states that "Tier 2 Dischargers and Tier 3 Dischargers who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Dischargers must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed, installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Dischargers shall certify annually to the Regional Water Board individually or through an approved third-party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

### **Methods**

The methods used to develop this WRPP include both field and office components. The office component consisted of aerial photography review and interpretation, existing USGS quad map review, GIS mapping of field data, review of on-site photography points, streamflow calculations, and general planning. The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect Waters of the State (including groundwater). All cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision I.B of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

**Property Description** The property assessed is one parcel totaling approximately 36.8 acres. This property is located in Section 29, T4S, R2E, HB&M, Humboldt County from the Briceland 7.5' USGS Quad map. The property is located approximately 4-mile south of Ettersberg, California, and is accessed via private roads off of Shelter Cove Road. Vegetation on the property consists of primarily Douglas fir timberland. The property has a primarily southwest facing aspect with an elevation range of approximately 1,000' to 1,400' above sea level. The project area contains un-named watercourses which drain into Eubank Creek, a tributary of the Mattole River.

### Project Description

There is currently one active Cultivation Area located on the property. The Cultivation Area is located on a ridge top that has been modified through grading to accommodate seven greenhouses. The sizes of the greenhouses are as follows, one 100'x24', one 95'x24' and five 10'x80'. The discharger has applied for 10,000ft<sup>2</sup> of canopy area for the Humboldt County Permit. All water has been historically obtained from an on-property Class II point of diversion. Parameters of the cultivation site can be found in the table below:

Table 1: Cultivation Site Parameters.

| Cultivation Site | Area <sup>1</sup><br>(ft <sup>2</sup> ) | Adjoining Hillslopes<br>(% Grade) | Distance from a<br>Watercourse (ft) |
|------------------|---|-----------------------------------|-------------------------------------|
| A                | 17,270                                  | 35                                | 250[CIII]                           |

<sup>1</sup> Area refers to the total land disturbance area. The total cannabis canopy area may vary considerably than the disturbance area. Further details can be found under Item 1 below.

### Monitoring Plan

Tier 2 Dischargers shall include a monitoring element in the Water Resource Protection Plan that at a minimum provides for periodic inspection of the site, checklist to confirm placement and efficacy of management measures, and document progress on any plan elements subject to a time schedule. Tier 2 Dischargers shall submit an annual report (Appendix C) by March 31 of each year that documents implementation and effectiveness of management measures during the previous year. Tier 2 annual reporting is a function that may be provided through an approved third party program.

Monitoring of the site includes visual inspection and photographic documentation of each feature of interest listed on the site map, with new photographic documentation recorded with any notable changes to the feature of interest. At a minimum, all site features must be monitored annually, to provide the basis for completion of the annual re-certification process. Additionally, sites shall be monitored at the following times to ensure timely identification of changed site conditions and to determine whether implementation of additional management measures are necessary to prevent, minimize, and mitigate discharges of waste to surface water: 1) just prior to October 15 to evaluate site preparedness for storm events and storm water runoff, 2) following the accumulation of 3" total precipitation or by November 15, whichever is sooner, and 3) following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service Forecast Office (e.g. by entering the zip code of the parcel location at <http://www.srh.noaa.gov/forecast>). Sites requiring monitoring are indicated as such within the WRPP Mitigation report in the follow pages.



### Monitoring Plan Reporting Requirements

Order No. R1-2015-0023, Appendix C must be submitted to the Regional Water Board or approved third party program upon initial enrollment in the Order (NOI) and annually thereafter by March 31. Forms submitted to the Regional Water Board shall be submitted electronically to northcoast@waterboards.ca.gov. If electronic submission is infeasible, hard copies can be submitted to: North Coast Regional Water Quality Control Board, 5550 Skylane Boulevard, Suite A, Santa Rosa, CA 95403.

### Assessment of the Standard Conditions

Assessment of Standard Conditions consisted of field examinations in the Spring of 2018. The examination evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions including, but not limited to, existing and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined in the Mitigation Report to follow.

### Summary of Standard Conditions Compliance

1. Site Maintenance, Erosion Control, and Drainage Features Y☐/N☒
2. Stream Crossing Maintenance Y☒/N☐
3. Riparian and Wetland Protection and Management Y☐/N☒
4. Spoils Management Y☒/N☐
5. Water Storage and Use Y☒/N☐
6. Irrigation Runoff Y☒/N☐
7. Fertilizers and Soil Amendments Y☒/N☐
8. Pesticides and Herbicides Y☒/N☐
9. Petroleum Products and Other Chemicals Y☐/N☒
10. Cultivation-Related Wastes Y☒/N☐
11. Refuse and Human Waste Y☐/N☒

## Assessment of the Standard Conditions (Cont.)

### 1. Site Maintenance, Erosion Control, and Drainage Features

#### Roads

Roads are being classified as "permanent" (used year around), "seasonal" (being used primarily during summer months), and "trail" (being used for occasional access to features on the property).

Permanent roads consist of a well-constructed ranch road network. This road has a rocked surface and was found to be in good condition. One section of this permanent road was found to be inadequately drained. It has been recommended to install two rolling dips as referenced by Site 01 and 02 to improve the drainage of this section of road.

The seasonal roads consist of a well rocked and maintained ranch road. Overall, the road was shaped well and drained by an inside ditch. This ditch is undrained for approximately 700 ft. resulting in multiple proposed ditch relief culverts for this section of road and referenced as Sites 03, 04, 05 and 06. It has also been recommended to install rolling dips at Sites 08, 12, 13, and 14. There is a gully feature at Site 11 where the DRC outlet drains onto an unconsolidated hillside. After this feature has been de-watered it is being recommended to install straw waddles perpendicular to the gully feature to slow the energy and prevent further erosion. **See General Recommendation #1, #2, & #3**

The property contains one section of trail that is used to access the point of diversion and water tanks. Trails that are mapped are those trails that have been maintained and are drivable. These trails should be inspected periodically and water bars established as required.

#### Cultivation Areas

The Cultivation Area is located on a graded flat with slopes less than 5% and adjoining natural slopes of 35% or less. This cultivation area was well drained with no signs of erosion or instability. No erosion or site maintenance recommendations have been made for this cultivation area.

### 2. Stream Crossing Maintenance

One watercourse crossings exist on this property, referenced as Site 16. This crossing consists of a 48" culvert that is functioning adequately however there was erosion observed at the outlet. This culvert is sized appropriately for a 100-year storm event. A Lake and Streambed Alteration Agreement has been filed under the notification number 1600-2017-0310-R1 **See General Recommendation #4**

#### ***Rational Method for 100-year flood flow (A < 200 acres) Mattole Valley Business Supp***

| $T_c = 60((11.9 \times L^3)/H)^{0.385}$ |          |  |                                |  | $Q_{100} = CIA$         |  |                   |   |
|---|----------|--|--------------------------------|--|-------------------------|--|-------------------|---|
| No.                                     | Crossing | Channel length (to top of basin) (mi)<br>L | Elevation difference (ft)<br>H | Concentration time (min)<br>T <sub>c</sub> | Runoff coefficient<br>C | 100-year Return-Period Precipitation (in/hr)<br>I* | Area (acres)<br>A | 100-yr flood flow (cfs)<br>Q <sub>100</sub> |
| 1                                       | 1        |  |                                |  | 0.4                     | 3.97   | 12                | 19.1  |

## Assessment of the Standard Conditions (Cont.)

### 3. Riparian and Wetland Protection and Management

Assessment of the property concluded that the Cultivation Area is not located within 100-feet of a Class II watercourse or 50' of a Class III watercourse. This standard condition is not being met due to one location where vehicles and tires are located in the head of a Class III watercourse. These vehicles and tires are a result of the previous land owner dumping vehicles and debris in this location. It is being recommended to remove the car chassis, tires, and loose debris from the channels at Site 11. There are estimated to be over 8 vehicles buried in the hillside. It is not being recommended to remove the cars that are located in the hillside until a restoration plan has been created.

### 4. Spoils Management

Currently, no spoils are not stored or placed in or where they can enter any surface water. Any/all spoils are adequately contained or stabilized to prevent sediment delivery to surface waters. Any/all spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas have not been side cast in any location where they can enter or be transported to surface waters. Any/all future spoils generated as a result of any future construction projects that are to be stored on the property shall be done so in accordance with the BMP's.

### 5. Water Storage and Use

All the agricultural irrigation water on the property is derived from an on-property, Class II point of diversion. The Applicant is applying for a cultivation permit from Humboldt County for 10,000 ft<sup>2</sup>. The Applicant presently has 102,540-gallons of water storage to forbear from diverting from the POD for agricultural use from May 15 to October 15, 2017. We recommend that the Applicant install a water meter and record monthly agricultural water use to determine how much storage is needed. **See General Recommendation #5**

**POD:** The diversion structure is a 10-inch diameter by 12-inch tall perforated cylindrical plastic bucket placed in a Class II Watercourse. Surface water is diverted via 1.5-inch diameter poly-pipe to two 2,500-gallon and a 1,640-gallon hard plastic storage tanks. Water from these tanks is pumped upslope to a tank farm the applicant shall remove the existing diversion structure and replace it with a diversion facility that meets CDFW specifications standards. Beginning in 2019, the Applicant shall forbear diverting stream flow for agriculture from May 15 to October 15. This notification proposes year-round direct diversion at no more than 150 gallons of water a day during the low flow season (May 15 to October 15) of any year.

**Water Conservation:** To improve water conservation it is recommended to implement water conservation techniques per the Best Management Practices Section F. items 114-122. These techniques include drip systems, mulching of exposed soil in the cultivation area, watering early in the morning (before 10a.m) or later in the evening (after 6 p.m.), repairing leaky pipes and fittings immediately, installing safety valves in the event of a leak, and replacing old and worn out irrigation components. A detailed spreadsheet of water use data is attached below.

### Assessment of the Standard Conditions (Cont.)

### Point of Diversion 2017 Water Use Estimates

[illegible]

## 6. Irrigation Runoff

During multiple visits to the property, no irrigation runoff, or evidence of such runoff, was observed at the Cultivation Area.

## 7. Fertilizers and Soil Amendments

Fertilizers, potting soils, compost, and other soils and soil amendments are stored in structures on the property in a manner in which they will not enter or be transported into surface waters and so that nutrients or other pollutants will not be leached into groundwater. Fertilizers and soil amendments are applied and used per the manufacturers guidelines. Cultivation areas are currently maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest. **See General Recommendation #6**

## 8. Pesticides and Herbicides

The use of pesticide products is consistent with product labeling and all products on the property are currently used and stored in closed structures to ensure they do not enter or are released into surface or ground waters. Storage structures are located on a separate property. The Discharger shall ensure that all pesticide and herbicide products on the property are currently used, and stored in closed structures, to confirm that they do not enter or are released into surface or ground waters. We recommend development of temporary storage structures at each cultivation area for storage of in-use pesticides and herbicides.

## 9. Petroleum Products and Other Chemicals

Currently, one fuel storage tank and generator are present on the property. The 500-gallon diesel storage tank had a hole in the secondary containment where a drain plug should be installed. Additionally, the diesel storage tank lacked cover or side-wind protection. This Standard Condition is not being met due to the secondary containment being in-effective and no cover/sidewind protection for the fuel storage tank.

## 10. Cultivation-Related Wastes

No cultivation-related wastes, including, but not limited to, empty soil/soil amendment/ fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium, are stored at locations where they can enter or be blown into surface waters, or in a manner that could result in residues and pollutants within such materials to migrate or leach into surface water or groundwaters.

## Assessment of the Standard Conditions (Cont.)

### 11. Refuse and Human Waste

Garbage and refuse is removed from the property as it is produced and hauled away to a landfill transfer station. Human waste is managed by an unpermitted septic system on site. It is the discharger's responsibility to ensure compliance of such action with the Humboldt County Department of Environmental Health and Human Services. This septic system should be inspected and approved to be functioning adequately by a licensed professional.

### 12. Remediation/Clean-up/Restoration

Currently, four of the Standard Conditions are not being met; 1. Site Maintenance, Erosion Control, and Drainage Features, 3. Riparian and Wetland Protection and Management, 9. Petroleum Products and Other Chemicals and, 11. Refuse and Human Waste. Sites will be treated in accordance with regulations, following approval of any and/or all necessary permits, and done in accordance with the BMP's attached to this WRPP and listed in Appendix B of the Order as needed.

Site specific recommendations are labeled as "sites" on the Site Map and described in detail in the Mitigation Report following this section. Additionally, several general recommendations have been made, as described in the report above, along with several other broad recommendations are described below. Lastly, several interim measures have been developed to prevent impacts in advance of certain site-specific treatments. See the interim measures section below.

#### General Recommendations

1. The seasonal road network shall be graded, at an appropriate time of the year, in order to re-establish the rolling dips and push-outs to achieve proper drainage. It is advised that the discharger have a qualified professional provide guidance to the operator to ensure that grading activities meet the objective of this requirement. The treatment priority for this requirement shall be no later than 10/15/2019.
2. Existing or newly installed road surface drainage structures such as water bars, rolling dips, ditch relief culvers, and intentionally in/out-sloped segments of road shall be maintained to ensure continued function of capturing and draining surface runoff.
3. Road surfaces should be maintained via grading, as needed, to prevent road surface runoff from being trapped in and eroding wheel tracks.
4. All culverts should be inspected regularly during the winter months to check for plugging, blockage, or other issues.
5. Water use shall be designed and metered such that water used for the irrigation of cannabis will be recorded. Water use for the irrigation of cannabis is to be recorded monthly for annual reporting.
6. Fertilizer, soil amendments, and pesticide use it to be recorded in such a manner that cumulative annual totals are recorded for annual reporting.



## Photographs



**Water Storage:** Five 5,000-gallon hard plastic storage tanks.



**Water Storage:** Two 1,300-gallon cement & two 500-gallon plastic water storage tanks.



**Water Storage:** 2,500-gallon hard plastic water tank.



**Agricultural Storage Structure/ Water Storage:** Water Storage Structure with two 10,000-gallon cement tanks.



**Point of Diversion:** Point of Diversion in Class II watercourse. Upstream view.



**Point of Diversion:** POD 10" diameter by 12" long plastic perforated bucket plumbed with a 3' long 3" PVC pipe that transitions into a 1 ½ "polyline.



**Cultivation Area:** One of six 10' x 80' greenhouses.



**Cultivation Area:** Second of six 10' x 80' greenhouses.



**Cultivation Area:** Four of the six 10' x 80' greenhouses.



**Picture 28:** Northeast outdoor cultivation area contains 105 sixty-five-gallon smart pots.



**Inside ditch:** Looking upstream at the inside ditch on the seasonal road, this feature drains the road from Site 03 to Site 06.





**Site 06:** Imbedded 2' x 3' cement structure that transitions the ditch relief culvert into a 12" diameter 40' CMP culvert located at the southwest corner of the 20,000-gallon water storage structure.



**Site 11:** The outlet of the inside ditch relief culvert from the seasonal use road.



**Site 11:** Gully feature downstream of the outlet DRC. The tires and other refuse located in the gully feature shall be removed. The DRC shall have an additional 80' long culvert added to outlet at the head of Class III watercourse.



**Site 11:** This gully feature is created by a DRC that drains approximately 600ft of inside ditch. Multiple ditch relief culvert locations have been recommended which will de-water this feature. All loose debris and car chassis within the gully feature shall be removed.



**Site 07:** The inlet of the 12" diameter by 6' long CMP culvert collecting surface runoff from the graded area around Site 06. This culvert shall be removed including the bank in which it lies. The road surface above the culvert shall have water bars installed to hydrologically disconnect surface runoff from the downstream Class III watercourse.



**Site 15:** Looking upstream on the left & downstream on the right at the hydrologically connected inside ditch relief culvert at Site 15.





**Site 15:** Looking upstream at the hydrologically connected inside ditch relief culvert at Site 15. The applicant shall remediate this site. The tires and other refuse located in the gully feature shall be removed.



**Site 16:** Crossing inlet.



**Site 16:** Crossing outlet.



**Site 13:** Proposed ditch relief culvert at the flagged location.



**Site 03:** Proposed DRC Seasonal road, this site was flagged in the field. Photo date 5-09-2017.



**Site 04:** Proposed DRC on the seasonal use road at the flagged location.





**Site 05:** Proposed DRC on the seasonal use road at the flagged location.



## **STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF WATER RESOURCE PROTECTION PLAN**

### **Prepared by Timberland Resource Consultants**

1. This Water Resource Protection Plan has been prepared for the property within APN 220-171-006 in Humboldt County, at the request of the Client.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted. Changes due to land use activities or environmental factors occurring after this inspection have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.

---

Austin Theriault

**Timberland Resource Consultants**

October 21<sup>st</sup>, 2019  
Revised October 24<sup>th</sup>, 2019

Virgil Willner  
P.O. Box 736  
Redway, CA 95560

RE: Prime Agricultural Soil Review  
2400 Eubanks Road  
Whitethorn, CA  
APN: 220-171-006

JN: WLN1903

Dear Mr. Willner,

Per your request, on September 20<sup>th</sup>, 2019, I visited the above referenced site in order to review this proposed cannabis cultivation site and the soil that will be used for cannabis cultivation at 2400 Eubanks Road, Whitethorn in regards to Humboldt County ordinance #2544 regarding "Prime Soils" requirements for cannabis cultivation. Ordinance number 2544 specifies that "Prime Soils" means all lands which qualify for rating as Class I or Class II in the Soil Conservation Service land use capability classifications (LCC) or qualify for rating 80 through 100 in the Storie Index Rating. Additionally, where determined through site- specific fieldwork prepared by a qualified professional, soils meeting these characteristics may be recognized as prime. This property is approximately 40 acres in size. I understand that 20% of the parcel (approximately 8 acres) is potentially planned to be utilized for cannabis cultivation.

During my site visit, I obtained soil samples of the soil that will be used to cultivate cannabis, and I have reviewed the soil in regards to the "Land-capability Classification" Agricultural Handbook #210 produced by the Soil Conservation Service, U.S. Department of Agriculture (USDA). (See attached). Site characteristics that I reviewed during my site visit include slope, wind/water erosion resistance, suitable soil depth, soil structure, soil salinity, irrigation overflow potential, soil moisture, and climate.

We have performed analytic testing of this soil (including percolation testing, acidity/ alkalinity (pH) testing, and nitrogen/ phosphorus/pot ash (NPK) quantity testing). Laboratory testing shows this soil to have a pH level of 7, a soil percolation rate of 2 minutes per inch, and adequate/sufficient levels of nitrogen/ phosphorus/ potash (NPK). These results indicate that this soil is sufficiently adequate for the cultivation of cannabis.

Based upon my review of a sample of the soil that will be used to cultivate cannabis at this site, as well as the proposed cultivation site(s) itself, and review of the USDA LLC index, along with an understanding of standard cannabis cultivation methods, in my opinion this entire approximately 160 acre site (not withstanding any required property line, streamside, environmental, ect... setback

Whitchurch Engineering, Inc.  
Prime Ag Soils Review  
WLN1903  
October 21<sup>st</sup>, 2019

requirements) satisfies the requirements of the LCC Index to be classified as a "Class I or Class II" soils, which is considered "prime soil" for agricultural purposes.

If you have any questions or comments regarding this soil capability analysis, feel free to contact me at your convenience.

Sincerely,



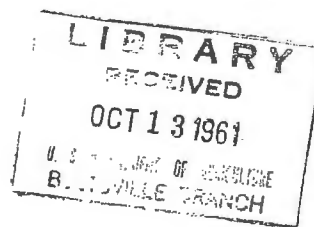
Mr. Terry O'Reilly, P.E.  
Senior Civil Engineer  
RCE #49506  
TOR/mrr



~~10-23-19~~  
10-24-19 TOR

enc.

# LAND-CAPABILITY CLASSIFICATION



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Agriculture Handbook No. 210

SOIL CONSERVATION SERVICE  
U.S. DEPARTMENT OF AGRICULTURE

- range and wildlife; others only to forest and wildlife; and a few suited only to wildlife, recreation, and water-yielding uses. Groupings of soils for pasture, range, wildlife, or woodland may include soils from more than one capability class. Thus, to interpret soils for these uses, a grouping different from the capability classification is often necessary.
14. Research data, recorded observations, and experience are used as the bases for placing soils in capability units, subclasses, and classes. In areas where data on response of soils to management are lacking, soils are placed in capability groups by interpretation of soil characteristics and qualities in accord with the general principles about use and management developed for similar soils elsewhere.

## CAPABILITY CLASSES

### Land Suited to Cultivation and Other Uses

**Class I—Soils in class I have few limitations that restrict their use.**

Soils in this class are suited to a wide range of plants and may be used safely for cultivated crops, pasture, range, woodland, and wildlife. The soils are nearly level<sup>6</sup> and erosion hazard (wind or water) is low. They are deep, generally well drained, and easily worked. They hold water well and are either fairly well supplied with plant nutrients or highly responsive to inputs of fertilizer.

The soils in class I are not subject to damaging overflow. They are productive and suited to intensive cropping. The local climate must be favorable for growing many of the common field crops.

In irrigated areas, soils may be placed in class I if the limitation of the arid climate has been removed by relatively permanent irrigation works. Such irrigated soils (or soils potentially useful under irrigation) are nearly level, have deep rooting zones, have favorable permeability and water-holding capacity, and are easily maintained in good tilth. Some of the soils may require initial conditioning including leveling to the desired grade, leaching of a slight accumulation of soluble salts, or lowering of the seasonal water table. Where limitations due to salts, water table, overflow, or erosion are likely to recur, the soils are regarded as subject to permanent natural limitations and are not included in class I.

Soils that are wet and have slowly permeable subsoils are not placed in class I. Some kinds of soil in class I may be drained as an improvement measure for increased production and ease of operation.

Soils in class I that are used for crops need ordinary management practices to maintain productivity—both soil fertility and soil structure. Such practices may include the use of one or more of the following: Fertilizers and lime, cover and green-manure crops, conservation of crop residues and animal manures, and sequences of adapted crops.

<sup>6</sup> Some rapidly permeable soils in class I may have gentle slopes.

**Class II—Soils in class II have some limitations that reduce the choice of plants or require moderate conservation practices.**

Soils in class II require careful soil management, including conservation practices, to prevent deterioration or to improve air and water relations when the soils are cultivated. The limitations are few and the practices are easy to apply. The soils may be used for cultivated crops, pasture, range, woodland, or wildlife food and cover.

Limitations of soils in class II may include singly or in combination the effects of (1) gentle slopes, (2) moderate susceptibility to wind or water erosion or moderate adverse effects of past erosion, (3) less than ideal soil depth, (4) somewhat unfavorable soil structure and workability, (5) slight to moderate salinity or sodium easily corrected but likely to recur, (6) occasional damaging overflow, (7) wetness correctable by drainage but existing permanently as a moderate limitation, and (8) slight climatic limitations on soil use and management.

The soils in this class provide the farm operator less latitude in the choice of either crops or management practices than soils in class I. They may also require special soil-conserving cropping systems, soil conservation practices, water-control devices, or tillage methods when used for cultivated crops. For example, deep soils of this class with gentle slopes subject to moderate erosion when cultivated may need one of the following practices or some combination of two or more: Terracing, stripcropping, contour tillage, crop rotations that include grasses and legumes, vegetated water-disposal areas, cover or green-manure crops, stubble mulching, fertilizers, manure, and lime. The exact combinations of practices vary from place to place, depending on the characteristics of the soil, the local climate, and the farming system.

**Class III—Soils in class III have severe limitations that reduce the choice of plants or require special conservation practices, or both.**

Soils in class III have more restrictions than those in class II and when used for cultivated crops the conservation practices are usually more difficult to apply and to maintain. They may be used for cultivated crops, pasture, woodland, range, or wildlife food and cover.

Limitations of soils in class III restrict the amount of clean cultivation; timing of planting, tillage, and harvesting; choice of crops; or some combination of these limitations. The limitations may result from the effects of one or more of the following: (1) Moderately steep slopes; (2) high susceptibility to water or wind erosion or severe adverse effects of past erosion; (3) frequent overflow accompanied by some crop damage; (4) very slow permeability of the subsoil; (5) wetness or some continuing waterlogging after drainage; (6) shallow depths to bedrock, hardpan, fragipan, or claypan that limit the rooting zone and the water storage; (7) low moisture-holding capacity; (8) low fertility not easily corrected; (9) moderate salinity or sodium; or (10) moderate climatic limitations.

When cultivated, many of the wet, slowly permeable but nearly level



#### 55.4.8 General Provisions

This section applies to all facilities and activities involved in the Commercial Cultivation, Processing, Manufacture, or Distribution of cannabis for medical use, as defined in this Section, inland of the coastal zone. For purposes of this Section, the underlying General Plan land use designation will be controlling for all parcels zoned "Unclassified."

55.4.8.1 All commercial cultivation, processing, manufacture, or distribution of cannabis for medical use shall operate in compliance with this Section, as well as all applicable state and local laws.

55.4.8.2 Outdoor and Mixed-Light Commercial cultivation of cannabis for medical use shall be allowed in specifically enumerated zones in which general agriculture is a principally permitted use, or conditional use, only with a Zoning Clearance Certificate, Special Permit, or Use Permit issued pursuant to Sections 312-2.1 or 312-3.1 of the Humboldt County Code. Zoning districts where the Outdoor and Mixed Light commercial cultivation of cannabis for medical use may be located are AE (no parcel size limitation), RA (on parcels of 5 acres or larger), FP, DF, AG, AEFR, and U (where the General Plan designates the area for agricultural development) (on parcels one (1) acre or larger), subject to the conditions and limitations set forth in this Section. In FR, TPZ or Uall 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. Additionally, with a Conditional Use Permit, Outdoor and Mixed-Light commercial cultivation of cannabis for medical use may be conducted in C-2, C-3, MB, ML, and MGMH zones, subject to the conditions and limitations set forth in this section.

55.4.8.2.1 Approvals for New Outdoor and Mixed-Light Cultivation Areas On parcels 5 acres or larger in size, a Zoning Clearance Certificate may be issued for new outdoor or mixed-light commercial cannabis cultivation for an area up to 10,000 square feet that was not previously in existence as of January 1, 2016, on parcels with Prime Agricultural soils Soils, in zoning districts RA, U, FP, DF, AG, or AE, on slopes of 15% or less, and with documented current water right or other non-diversionary source of irrigation water (e.g., municipal, public utility, or permitted well), subject to the conditions and limitations set forth in this section. No The cultivation area shall be located on the Prime Agricultural Soils on the parcel and no more than 20% of the area of Prime Agricultural soils on the parcel may be permitted for commercial medical marijuana cultivation. Where the parcel meets the characteristics which support new cultivation but the parcel contains a cultivation site that existed on January 1, 2016, the area allowance for new cultivation shall be adjusted such that the maximum aggregate 10,000 sq. ft. area (as may modified by the 20% prime soil cap) is not exceeded over the parcel (e.g., a site with a 6,000 sq. ft. existing cultivation area and meeting the criteria for new cultivation could obtain a permit for new cultivation of up to 4,000 sq. ft.). Only one Zoning Clearance Certificate may be issued for each parcel, except as provided in Sections 55.4.8.2.1.1 and 55.4.14.

#### 55.4.7 Definitions

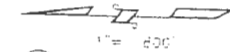
"Prime Agricultural Soils" means all lands which qualify for rating as Class I or Class II in the Soil Conservation Service land use capability classifications or qualify for rating 80 through 100 in the Storie Index Rating. Additionally, where determined through site-specific fieldwork prepared by a qualified professional, soils meeting these characteristics may be recognized as prime.



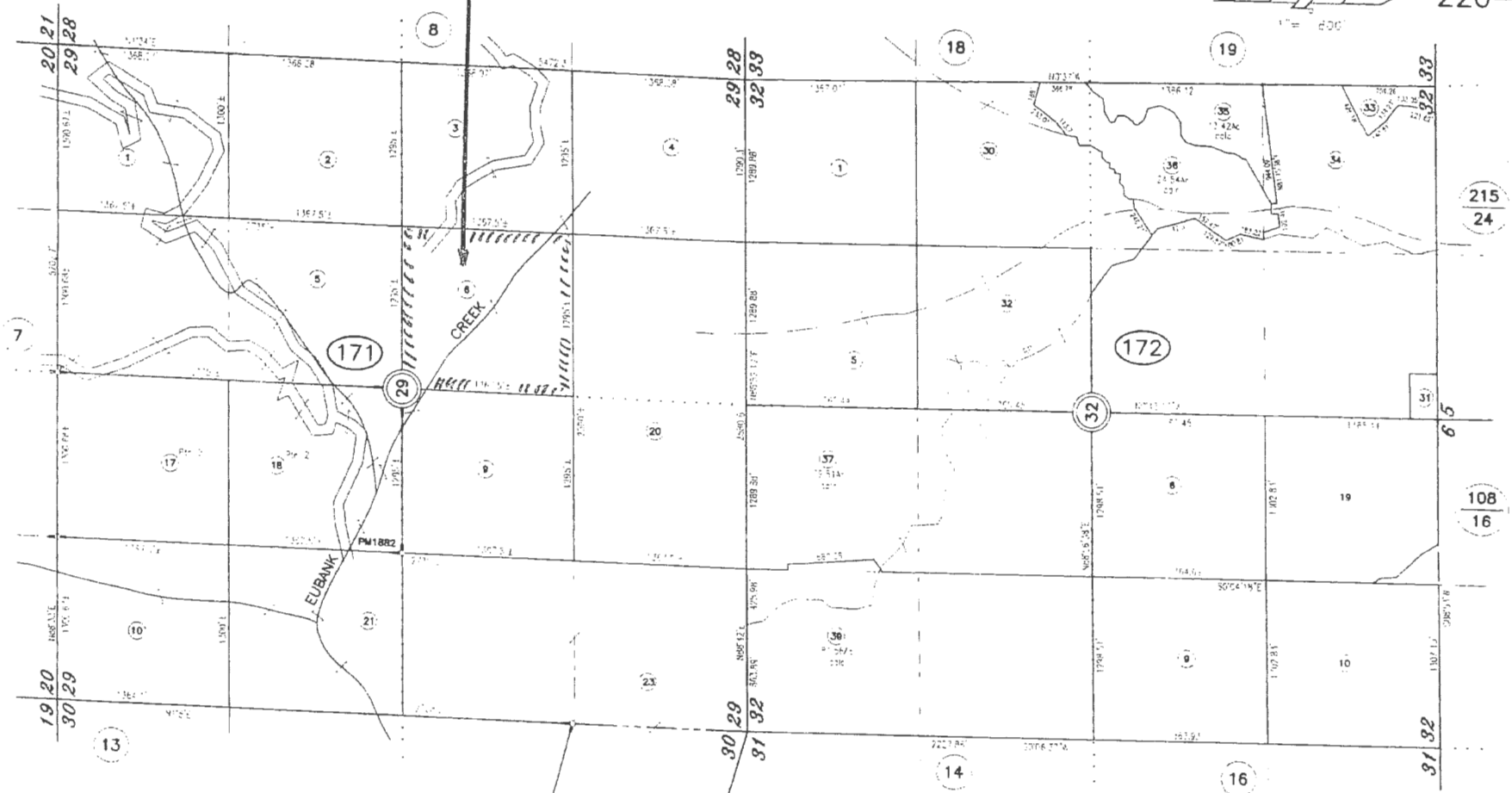
SECS 29 & 32 T4S, R2E H.B.& M.

220-17

SITE



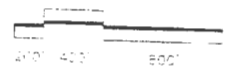
1" = 600'



PS, Bk 56 of surveys, Pg 16  
 RS, Bk 56 of surveys, Pgs 135-136  
 PS, Bk 57 of surveys, Pg 64  
 RS, Bk 58 of surveys, Pg 111

NOTE - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk.220, Pg.17  
 County of Humboldt, CA.



4-10-20

**ASSESSOR'S PARCEL MAP**  
 1. THIS MAP WAS PREPARED FOR  
 ASSESSMENT PURPOSES ONLY  
 AND LIABILITY IS ASSIGNED FOR  
 THE ACCURACY OF THE DATA HEREON.  
 2. ASSESSOR'S PARCEL MAPS MUST  
 COMPLY WITH LOCAL ORDINANCE  
 OR BUILDING SITE REQUIREMENTS

LS, Bk 11 of surveys, Pg 135  
 LS, Bk 13 of surveys, Pg 18  
 LS, Bk 13 of surveys, Pg 148  
 LS, Bk 21 of surveys, Pg 96  
 LS, Bk 22 of surveys, Pg 63  
 LS, Bk 22 of surveys, Pg 73  
 LS, Bk 22 of surveys, Pg 146  
 LS, Bk 24 of surveys, Pg 130  
 PM1682 of PM Bk 16, Pgs 101-102  
 RS, Bk 52 of surveys, Pgs 44-45  
 RS, Bk 53 of surveys, Pg 5

### Field Notes – LCC Determination

1. Slope: GENTLE SLOPE, TERRACED AS NECESSARY.  
MINOR GRADING (ASSUME 650 YD<sup>3</sup>) OK
2. Wind/ Water Erosion: (SUBCLASS "C") N/A: CROPS TO BE  
PROTECTED BY BERMES/COVERINGS OK
3. Soil Depth: (SUBCLASS "S") : MIN 12" DEPTH OK
4. Soil Structure: GOOD STRUCTURE/WORKABILITY OK
5. Salinity: N/A NO SALINITY OK
6. Irrigation Overflow: (SUBCLASS "W") N/A CULTIVATION AREA TO  
BE PROTECTED BY BERMES, SITE SPECIFIC  
MONITORED WATERING, SUFFICIENT/ADEQUATE OVERFLOW  
DRAINAGE. OK
7. Soil Moisture: N/A WATERING IS REGULATED BY FARMER
8. Climate: (SUBCLASS "C") ADEQUATE. MONITORED BY/ADAPTED  
TO BY FARMER

**WHITCHURCH ENGINEERING**  
 Building Design  
 Civil & Structural Engineering  
 610 9<sup>th</sup> STREET  
 FORTUNA, CALIFORNIA 95540  
 (707) 725-6926 FAX (707) 725-2959

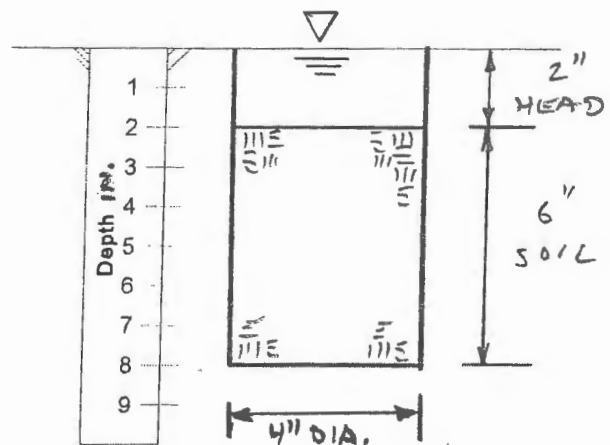
JOB WILLNER - 2400 EVBANKS RD  
 ELEMENT PERC TEST  
 SHEET NO. 1 OF 1  
 CALCULATED BY TOM DATE 10-17-19  
 CHECKED BY SL JN WLN1903

**SOILS PERCOLATION TEST DATA**

**APN** 220-171-006

Test Hole No. TH-1

Presoak FULL



| Test # | Time | Fill | Meas. (in) | Min. | Drop (in) | Rate |
|--------|------|------|------------|------|-----------|------|
| 1      |      | 2    | 2          | —    | —         |      |
| 2      |      |      | 1          | 1    |           |      |
| 3      |      |      | 2          | 2    |           |      |
| 4      |      |      |            |      |           |      |
| 5      |      |      |            |      |           |      |
| 6      |      |      |            |      |           |      |
| 7      |      |      |            |      |           |      |
| 8      |      |      |            |      |           |      |
| 9      |      |      |            |      |           |      |
| 10     |      |      |            |      |           |      |
| 11     |      |      |            |      |           |      |
| 12     |      |      |            |      |           |      |
| 13     |      |      |            |      |           |      |
| 14     |      |      |            |      |           |      |

Stabilized Rate 2 min/inch

# WHITCHURCH ENGINEERING

Building Design • Civil & Structural Engineering

610 9<sup>th</sup> STREET  
FORTUNA, CA 95540  
(707) 725-6926

716 HARRIS STREET  
EUREKA, CA 95501  
(707) 444-1420

JOB WILLNER - 2400 EUBANKS RD  
ELEMENT SOIL TEST  
SHEET NO. 1 OF 1  
CALCULATED BY RAO DATE 7-27-19  
CHECKED BY TOR JN WLN1903

## Soil Test

pH

Phosphorus (P)

Potash (K)

Nitrogen (N)

## Results

7 - Neutral

1 - Deficient

4 - Surplus

2 - Adequate

## Percolation Test

4" Dia. Cylinder Depth

8 inches

Soil Depth

6 inches

Water Depth

2 inches

Water infiltration into soil

2 min/inch



APPS: 11666

RECEIVED

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

NOV 06 2017

CDFW - EUREKA



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2017-0310-R1

Unnamed Tributaries to Eubanks Creek, Tributary to the Mattole River,  
and the Pacific Ocean

Mr. Virgil Willner  
Willner Water Diversion and Stream Crossings Project  
Four (4) Encroachments



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

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on May 26, 2017, 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 13 miles east of the town of Redway, County of Humboldt, State of California. The project is located in Section 29, T4S, R2E, Humboldt Base and Meridian; in the Briceland U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 220-171-006; latitude 40.0799 N and longitude 123.9748 W at the point of diversion (POD).

**PROJECT DESCRIPTION**

The project is limited to four (4) encroachments (table 1). One encroachment is for water diversion from an Unnamed Tributary to Eubanks Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include retrofit, use, and

maintenance of the water diversion infrastructure. One proposed encroachment is to extend an existing undersized culvert and restore the stream channel at the culvert outlet. Work for this encroachment will include extending the existing culvert by 80ft, rock armoring as necessary to minimize erosion, recontouring the channel, and planting with native forbes and grasses to stabilize the stream banks. The two other proposed encroachments are to decommission existing culverts. Work for these encroachments will include excavation, removal of culverts, recontouring of the channel to the native slope, and employing weed free erosion control methods along with reseeding and/or replanting with native forbes and grasses.

Table 1. Project Encroachments with Description

| ID         | Latitude/Longitude | Description  |
|------------|--------------------|--|
| Crossing-1 | 40.0816, -123.9756 | Extend existing 13.5' culvert by 80', restore and rock armor channel |
| Crossing-2 | 40.0821, -123.9756 | Decommission undersized 12" diameter culvert and restore channel     |
| Crossing-4 | 40.0808, -123.9746 | Decommission 48" diameter culvert and restore channel                |
| POD        | 40.0799, -123.9748 | Water diversion from Class II Tributary to Eubanks Creek             |

## PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Southern Torrent Salamander (*Rhyacotriton variegatus*), Red-bellied Newt (*Taricha rivularis*), Northern Red-legged Frog (*Rana aurora*), Coastal Tailed Frog (*Ascaphus Truei*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

### Impacts to water quality:

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

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

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

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

cumulative effect when other diversions on the same stream are considered;  
diversion of flow from activity site;  
direct and/or incidental take;  
indirect impacts;  
impediment of up- or down-stream migration;

water quality degradation; and  
damage to aquatic habitat and function.

## MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

### 1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 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 7-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than 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 May 26, 2017 with revisions received on August 22, 2017, and September 29, 2017, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Work Period. All work, not including water diversion, shall be confined to the period June 15 through October 1 of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.

### Water Diversion and Facility Retrofit

- 2.3 Work Completion. The proposed work for the facility retrofit shall be completed by no later than **July 15, 2018**. A notice of completed work, with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.
- 2.4 Maximum Diversion Rate. The maximum instantaneous diversion rate from the water intake shall not exceed **3 gallons per minute (gpm)** at any time.
- 2.5 Bypass Flow. The Permittee shall pass **90% of the inlet flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.6 Seasonal Diversion Minimization. No more than **150 gallons per day** shall be diverted during the low flow season from **May 15 to October 30** of any year. Water shall be diverted only if the Permittee can adhere to conditions 2.2 and 2.3 of this Agreement.
- 2.7 Measurement of Diverted Flow. The Permittee shall install a device acceptable to CDFW for measuring the quantity of water diverted to and from the spring and well. This measurement shall begin as soon as this Agreement is signed by the

Permittee. The Permittee shall record the quantity of water diverted on a weekly basis.

- 2.8 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.
- 2.9 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.
- 2.10 Intake Screening. Openings in intakes shall not exceed 1/8 inch diameter (horizontal for slotted or square openings) or 3/32 inch for round openings. The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.10.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
- 2.10.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.10.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.10.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.11 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.
- 2.12 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.

- 2.13 Water Storage Maintenance. Storage tanks shall have a float valve to shut off the diversion when tanks are full to prevent overflow from being diverted when not needed. The Permittee shall install any other measures necessary to prevent overflow of tanks resulting in more water being diverted than is used.
- 2.14 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](http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf).

### Stream Crossings

- 2.15 Work Completion. The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work shall be submitted to CDFW **within seven (7) days** of project completion.
- 2.16 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.17 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.18 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.19 Stream Diversion. When work in a flowing stream is unavoidable, Permittee shall divert the stream flow around or through the work area during construction operations.
- 2.20 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the



flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Coffers shall be constructed of a non-erodible material which does not contain soil or fine sediment. Coffers and the stream diversion system shall remain in place and functional throughout the construction period. Coffers or stream diversions that fail for any reason shall be repaired immediately.

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

2.22 Culvert Installation.

2.22.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.

2.22.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting).

2.22.3 Culvert bed shall be composed of either compacted rock-free soil or crushed gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

2.22.4 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy is likely to erode fill material and the outfall area.

2.22.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow (slightly larger than the bankfull channel width) including debris, culvert embedding, and sediment loads.

## 2.23 Rock Armor Placement.

2.23.1 No heavy equipment shall enter the wetted stream channel.

2.23.2 No fill material, other than clean rock, shall be placed in the stream channel.

2.23.3 Rock shall be sized to withstand washout from high stream flows, and extend above the ordinary high water level.

2.23.4 Rock armoring shall not constrict the natural stream channel width and shall be keyed into a footing trench with a depth sufficient to prevent instability.

2.24 Project Inspection. The Project shall be inspected by Timber Resources Consulting or a licensed engineer to ensure that the stream crossings were installed as designed. A copy of the inspection report, including photographs of each site, shall be submitted to CDFW within 90 days of completion of this project.

## **Erosion Control**

2.25 Erosion Control Measures. Permittee shall utilize erosion control measures throughout all phases of operation where sediment runoff from exposed slopes threatens to enter a river, stream, or lake. Permittee shall stabilize all exposed/disturbed areas within the project site to the greatest extent possible.

2.26 Natural and Biodegradable Erosion Control Materials. Permittee shall utilize erosion control materials composed entirely of natural-fiber biodegradable materials. Permittee shall not use plastic "photodegradable" erosion control materials. All vegetative erosion control measures shall be free of viable nonnative plant material that may contribute to the spread of invasive or nonnative plant species.

2.27 Runoff from Steep Areas. Permittee shall make preparations so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential or contained behind erosion control structures. Erosion control structures such as weed free straw bales and/or siltation control fencing shall be placed and maintained until the threat of erosion ceases. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

2.28 Erosion Control Maintenance. Permittee shall make modifications, repairs and improvements to erosion control measures whenever it is needed. Materials used to repair or improved erosion control measures shall not pose a risk to native fish or wildlife.

### 3. Reporting Measures

- 3.1 Work Completion for Water Diversion Facility Retrofit. The proposed work shall be completed by no later than **July 15, 2018**. A notice of completed work (condition 2.3), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.
- 3.2 Work Completion for Stream Crossings. The proposed work shall be completed by no later than **October 1, 2018**. A notice of completed work (condition 2.15), shall be submitted to CDFW **within seven (7) days** of project completion.
- 3.3 Measurement of Diverted Flow. Copies of the **Water Diversion Records** (condition 2.7) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2017**.
- 3.4 Water Management Plan. The Permittee shall submit a **Water Management Plan** (condition 2.8) 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 be submitted to CDFW at 619 Second Street, Eureka, CA 95501.
- 3.5 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.24) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

### CONTACT INFORMATION

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

To Permittee:

Mr. Virgil Willner  
PO Box 736  
Redway, California 95560  
707-986-7206  
mvalleyfarms@gmail.com

To CDFW:

Department of Fish and Wildlife  
Northern Region  
619 Second Street  
Eureka, California 95501  
Attn: Lake and Streambed Alteration Program  
Notification #1600-2017-0310-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](http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html).

## **TERM**

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

## **AUTHORITY**

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

## **AUTHORIZATION**

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

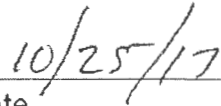


## CONCURRENCE

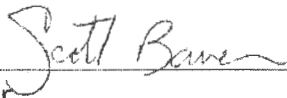
The undersigned accepts and agrees to comply with all provisions contained herein.

**FOR Mr. Virgil Willner**

  
\_\_\_\_\_  
Virgil Willner

  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Scott Bauer  
Senior Environmental Scientist Supervisor

  
\_\_\_\_\_  
Date

Prepared by: Kalyn Bocast, Environmental Scientist, October 6, 2017



Applicant Name: Virgil Willner

Project Name: APN 220-171-006

## ATTACHMENT C

### Water Diversion Questionnaire

Complete this attachment **if** the project is directly related to any diversion, obstruction, extraction, or impoundment of the natural flow of a river, stream, or lake. Provide the number assigned to the State Water Resources Control Board (SWRCB) application, permit, license, registration, statement of diversion, and use, or other authorization to divert, extract, or impound water, if applicable. If you have a current or expired Lake or Streambed Alteration Agreement (Agreement) for some activity related to your project, provide the Agreement number in your project description below and attach this form, with the information requested on one or more separate pages, to the notification form (DFW 2023).

#### I. Diversion or Obstruction

- A. Attach plans of any diversion or water storage structure or facility that will be constructed or if no structures or facilities will be constructed, photographs of the project site, including any existing facilities or structures.
- B. Please complete the water use table below. For diversion rate, use gallons per day (gpd) if rate is less than 0.025 cubic foot per second (cfs) (approximately 16,000 gpd).

| SEASON OF DIVERSION           |                            | PURPOSE OF USE | DIVERSION RATE<br>(cfs or gpm) | AMOUNT USED<br>(acre feet) |                |
|-------------------------------|----------------------------|----------------|--------------------------------|----------------------------|----------------|
| BEGINNING DATE<br>(Mo. & Day) | ENDING DATE<br>(Mo. & Day) |                |                                | FROM STORAGE               | BY DIVERSION   |
| Jan 1st                       | Dec 31st                   | Domestic       | 1-10 gpm                       |                            | 54,000 gallons |
| Jan 1st                       | May 14th                   | Agricultural   | 1-10 gpm                       |                            | 72,000 gallons |
|                               |                            |                |                                |                            |                |
|                               |                            |                |                                |                            |                |
|                               |                            |                |                                |                            |                |

- C. Attach a topographic map that is labeled to show the following:
1. Source of the water
  2. Points of diversion
  3. Areas of use
  4. Storage areas
- D. Specify the maximum instantaneous rate of withdrawal (using proposed equipment) in cubic feet per second (cfs) or gallons per minute (gpm).

1-10 gpm 1 1/2" polyline



State of California – Department of Fish and Wildlife  
**WATER DIVERSION QUESTIONNAIRE**  
**FISH AND GAME CODE SECTION 1602**  
DFW 2023C (REV. 10/01/16) Page 2

E. Check each box below that applies to the project water rights and attach supporting documents.

- ☒ Riparian. *Attach the most recent Statement of Water Diversion and Use filed with the SWRCB.*
- ☐ Diversion for immediate use.
- ☐ Diversion to storage (for less than 30 days).
- ☐ Appropriative.
- ☐ Pre-1914. *Attach the most recent Statement of Water Diversion and Use filed with SWRCB.*
- ☐ Post-1914. *Attach a copy of the applicant's water right application, permit, or license filed with or issued by SWRCB.*
- ☐ Small domestic, livestock stockpond, or small irrigation use registration. *Attach a copy of the applicant's registration of water use form filed with, or registration certificate issued by, SWRCB (See Water Code section 1228 et seq.).*
- ☐ Diversion for immediate use.
- ☐ Diversion to storage.
- ☐ Purchased or contracted water. *Attach a copy of the applicant's contract or letter from the applicant's water provider.*
- ☐ Other. *Describe below or attach separate page.*

F. Approximate lowest level of flow in the river, stream, or lake at the point of diversion during the proposed season of diversion in gpm or cfs:

G. *Other information.* After the Department reviews the project description, and based on the project's location and potential impacts to fish and wildlife resources, the Department will determine if additional information is needed before accepting the notification as complete. Such information could include more site-specific information to ensure that the terms and conditions in the Agreement issued to the applicant will be adequate to protect the fish and wildlife resources the diversion or obstruction could adversely affect. Site-specific information could include biological or hydrological studies or surveys based on the season of diversion, the location of the diversion relative to other diversions in the watershed, the method of diversion, and the quantity of water to be diverted, such as the following:



1. *Water Availability Analysis* to determine if the water can be diverted without causing substantial adverse effects on downstream fish and wildlife resources. Water availability analyses are based on a comparison of flows without any diversions (unimpaired flows) and flows available when all known diversions are "subtracted" (impaired flows).
2. *Instream Flow Study* to determine the minimum bypass flows needed and maximum rates of withdrawal possible to provide adequate depths and velocities to protect habitat for all life stages of aquatic resources. The study plan must be prepared by a qualified fisheries biologist and approved by the Department, will determine the effects of the proposed diversion on flow depth and velocity.
3. *Water Quality Study* to assess the effects of the proposed water diversion or impoundment on water temperature and water quality at and downstream from the point(s) of diversion.

## II. Permanent or Temporary Reservoir

Please provide the information below *if* the project includes the construction of a reservoir, whether permanent or temporary, and/or the filling of an existing reservoir by diverting or obstructing the flow of a river, stream, or lake.

A. Proposed use of the stored water:

B. Construction plans for the reservoir and dam. (*Attach plans*)

C. A complete description of the reservoir and dam, including the methods and materials that will be used to construct the reservoir and dam and the following dimensions certified by a licensed professional: the width, length, depth, and total surface area of the reservoir pool; the volume of water in acre-feet that will be stored in the reservoir; and the height and length of the dam.

D. The amount of riparian land that will be inundated (i.e., upstream from the dam): \_\_\_\_\_

E. Where vehicles will enter and exit the project site during construction and for maintenance purposes after construction. (*Attach map*)

F. The maximum distance of the disturbance that will occur upstream and downstream during construction:

G. The methods employed to ensure that the flow is maintained below the dam at all times when water is being diverted into the reservoir:



- H. Specify the time period when the area below the dam becomes dry, if at all.

- I. The methods employed to ensure that adult and juvenile fish will be able to pass over or around the dam:

- J. If a fish ladder is necessary to enable adult and juvenile fish to pass over or around the dam, provide construction plans and an operation plan for the fish ladder. *(Enclose, if applicable)*

- K. The methods employed to monitor and maintain water quality (including temperature) within the reservoir:

### III. Temporary Reservoir

Please provide the information below **if** the project includes the construction of a temporary reservoir only within the stream zone.

A. Date of dam installation: \_\_\_\_\_

B. Date of dam removal: \_\_\_\_\_

C. Amount of time it will take to construct the dam: \_\_\_\_\_

D. Amount of time it will take to remove the dam: \_\_\_\_\_

E. Methods to ensure that the reservoir pool will be drained in a manner that does not strand or otherwise harm fish:



Applicant Name: Virgil Willner

Project Name: APN 220-171-006

## ATTACHMENT E

### Remediation of Marijuana Cultivation Sites

Complete this attachment **if** the primary purpose of the project is to remediate a marijuana cultivation site and submit the attachment with the notification form (DFW 2023) and fee in Section IV. "Remediate" means to perform work that reduces or eliminates the direct and indirect adverse impacts on fish and wildlife and their habitat caused by a project or activity the Department views as unlawful.

#### I. ORDER OR NOTICE

Are you required to perform the work described in the notification pursuant to a court or administrative agency notice or order?

☐ Yes (Enclose a copy of the order or notice) ☒ No

Did you receive a notice of violation (NOV) from the Department that relates to the work described in the notification?

☐ Yes (Enclose a copy of the NOV) ☒ No

#### II. ORDINANCE OR PERMIT

What is the name of the town/city and county where the marijuana cultivation site that requires remediation is located?

Town/City: Briceland County: Humboldt

Does the town/city or county named above have a rule, ordinance, or other regulation or law that governs or otherwise regulates the cultivation of marijuana within its boundaries?

☐ Yes: Town/City ☒ Yes: County ☐ No ☐ Unknown

Are you required to have a permit or some other type of written authorization (permit) from the city/town and/or county named above to cultivate marijuana within the city/town and/or county?

☒ Yes (Enclose a copy of the permit) ☐ No ☐ Unknown

#### III. REMEDIATION AREA

Identify the total size of the remediation area in square feet. To calculate the total size of the remediation area, calculate each area that requires any type of remediation and add each area together to calculate the total area.

Remediation area in total: 812 square feet





#### IV. FEE

Submit the applicable fee below based on the total size of the remediation area. The remediation fee is in addition to the notification fee and **must** be submitted by **separate** check or other method of payment (Cal. Code Regs., tit. 14, § 699.5, subd. (i)(3)(A)).

☒ \$3,000 if the total remediation area is less than or equal to 1,000 square feet

☐ \$5,000 if the total remediation area is greater than 1,000 square feet

#### V. REMEDIATION PLAN

Has a plan to remediate the area(s) been completed?

☒ Yes (*Enclose the plan*) ☐ No

**Note:** If "yes" is checked, the remediation plan **must** be enclosed with the notification. If "no" is checked, or the Department determines the remediation plan enclosed with the notification is inadequate or incomplete, the Department may require you to have a licensed engineer or qualified environmental consultant amend the plan or submit a new plan for your notification to be complete.

Have you consulted with or retained a licensed engineer or environmental consultant to address your Cannabis cultivation?

☒ Yes (*Provide the information below*) ☐ No

| Name of Company | Name of Engineer or Consultant | Business Telephone |
|-----------------|--------------------------------|--------------------|
|                 |                                |                    |

#### VI. WATER SUPPLY

How is water supplied to the marijuana cultivation site(s) that require remediation?

☒ Diversion, obstruction, extraction, or impoundment of a river, stream, or lake.

*If this box is checked, you **must** also complete Attachment C.*

☐ Spring(s).

*If this box is checked, you **must** also complete Attachment C.*

☐ Private well(s).

*If this box is checked, provide well log information with this attachment.*

☐ Public water system.

*Name of public water system:* \_\_\_\_\_

☐ Water hauling.

*Name of water hauler:* \_\_\_\_\_

☐ Other.

*Specify:* \_\_\_\_\_

☐ Continued on additional page(s)



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

**PART A:** *Part A may be completed by the applicant*

Applicant Name: MATTOLE VALLEY FARMS APN: 220-171-006

Planning & Building Department Case/File No.: APPS: 11666

Road Name: Ettersburg Honeydew Rd (complete a separate form for each road)

From Road (Cross street): Briceland Thorn Rd

To Road (Cross street): Eubanks Rd

Length of road segment: 0.7 miles Date Inspected: 6/15/18

Road is maintained by: ☒ County ☐ Other \_\_\_\_\_  
(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

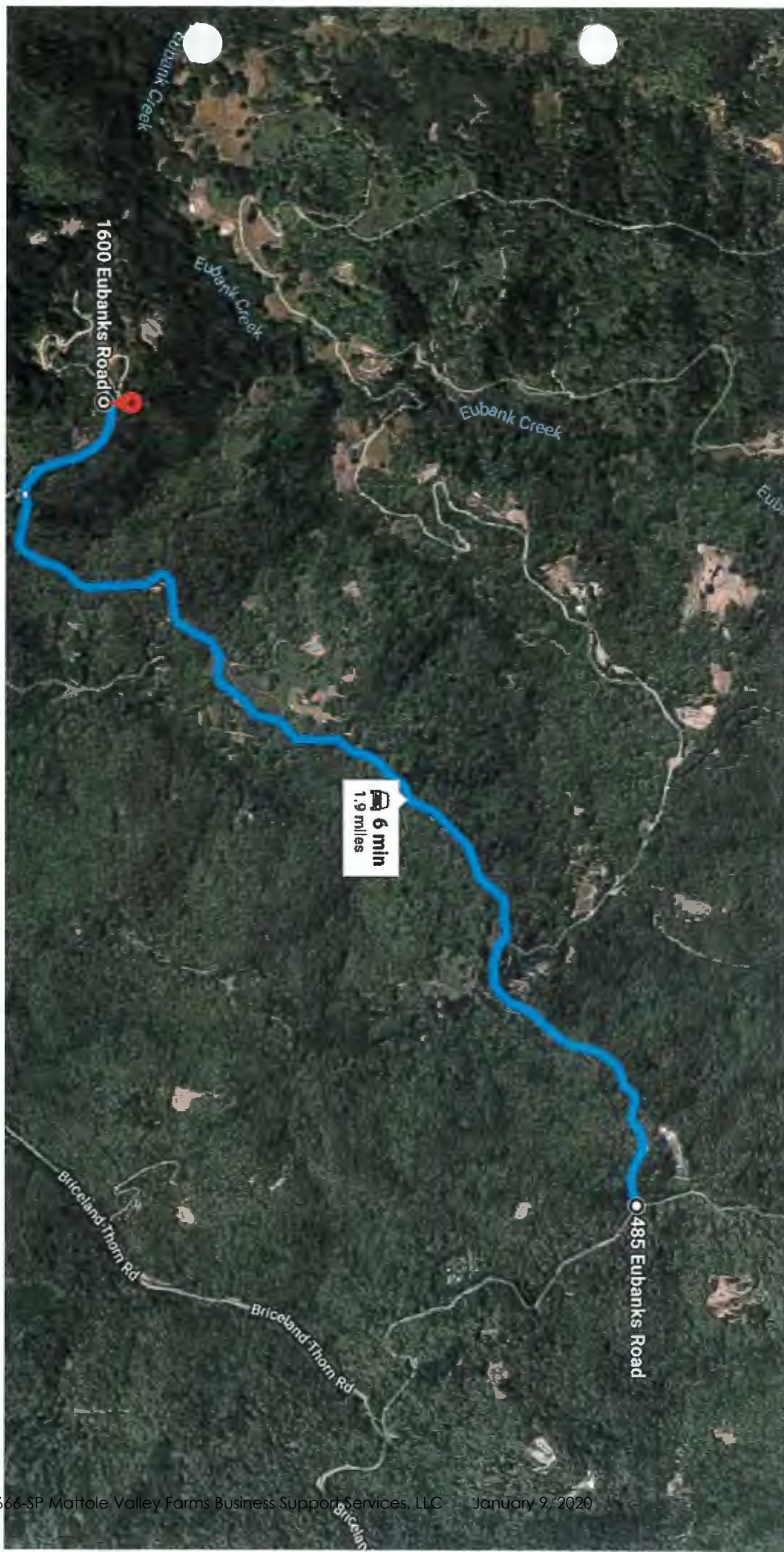
Date

6/15/18

Name Printed

VIRGIL WILLNER

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7203.



APPS: 11666





October 21<sup>st</sup>, 2019

Revised October 24<sup>th</sup>, 2019

Virgil Willner  
P.O. Box 736  
Redway, CA 95560

RE: Prime Agricultural Soil Review  
2400 Eubanks Road  
Whitethorn, CA  
APN: 220-171-006



JN: WLN1903

Dear Mr. Willner,

Per your request, on September 20<sup>th</sup>, 2019, I visited the above referenced site in order to review this proposed cannabis cultivation site and the soil that will be used for cannabis cultivation at 2400 Eubanks Road, Whitethorn in regards to Humboldt County ordinance #2544 regarding "Prime Soils" requirements for cannabis cultivation. Ordinance number 2544 specifies that "Prime Soils" means all lands which qualify for rating as Class I or Class II in the Soil Conservation Service land use capability classifications (LCC) or qualify for rating 80 through 100 in the Storie Index Rating. Additionally, where determined through site- specific fieldwork prepared by a qualified professional, soils meeting these characteristics may be recognized as prime. This property is approximately 40 acres in size. I understand that 20% of the parcel (approximately 8 acres) is potentially planned to be utilized for cannabis cultivation.

During my site visit, I obtained soil samples of the soil that will be used to cultivate cannabis, and I have reviewed the soil in regards to the "Land-capability Classification" Agricultural Handbook #210 produced by the Soil Conservation Service, U.S. Department of Agriculture (USDA). (See attached). Site characteristics that I reviewed during my site visit include slope, wind/water erosion resistance, suitable soil depth, soil structure, soil salinity, irrigation overflow potential, soil moisture, and climate.

We have performed analytic testing of this soil (including percolation testing, acidity/ alkalinity (pH) testing, and nitrogen/ phosphorus/pot ash (NPK) quantity testing). Laboratory testing shows this soil to have a pH level of 7, a soil percolation rate of 2 minutes per inch, and adequate/sufficient levels of nitrogen/ phosphorus/ potash (NPK). These results indicate that this soil is sufficiently adequate for the cultivation of cannabis.

Based upon my review of a sample of the soil that will be used to cultivate cannabis at this site, as well as the proposed cultivation site(s) itself, and review of the USDA LLC index, along with an understanding of standard cannabis cultivation methods, in my opinion this entire approximately 160 acre site (not withstanding any required property line, streamside, environmental, ect... setback

Whitchurch Engineering, Inc.  
Prime Ag Soils Review  
WLN1903  
October 21<sup>st</sup>, 2019

requirements) satisfies the requirements of the LCC Index to be classified as a "Class I or Class II" soils, which is considered "prime soil" for agricultural purposes.

If you have any questions or comments regarding this soil capability analysis, feel free to contact me at your convenience.

Sincerely,



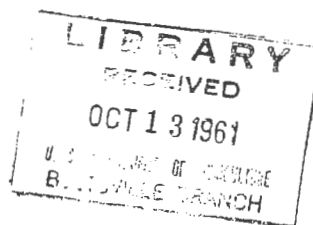
Mr. Terry O'Reilly, P.E.  
Senior Civil Engineer  
RCE #49506  
TOR/mrr



~~10-23-19~~  
10-24-19 TOR

enc.

# LAND-CAPABILITY CLASSIFICATION



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Agriculture Handbook No. 210

SOIL CONSERVATION SERVICE  
U.S. DEPARTMENT OF AGRICULTURE

- range and wildlife; others only to forest and wildlife; and a few suited only to wildlife, recreation, and water-yielding uses. Groupings of soils for pasture, range, wildlife, or woodland may include soils from more than one capability class. Thus, to interpret soils for these uses, a grouping different from the capability classification is often necessary.
14. Research data, recorded observations, and experience are used as the bases for placing soils in capability units, subclasses, and classes. In areas where data on response of soils to management are lacking, soils are placed in capability groups by interpretation of soil characteristics and qualities in accord with the general principles about use and management developed for similar soils elsewhere.

## CAPABILITY CLASSES

### Land Suited to Cultivation and Other Uses

**Class I—Soils in class I have few limitations that restrict their use.**

Soils in this class are suited to a wide range of plants and may be used safely for cultivated crops, pasture, range, woodland, and wildlife. The soils are nearly level <sup>6</sup> and erosion hazard (wind or water) is low. They are deep, generally well drained, and easily worked. They hold water well and are either fairly well supplied with plant nutrients or highly responsive to inputs of fertilizer.

The soils in class I are not subject to damaging overflow. They are productive and suited to intensive cropping. The local climate must be favorable for growing many of the common field crops.

In irrigated areas, soils may be placed in class I if the limitation of the arid climate has been removed by relatively permanent irrigation works. Such irrigated soils (or soils potentially useful under irrigation) are nearly level, have deep rooting zones, have favorable permeability and water-holding capacity, and are easily maintained in good tilth. Some of the soils may require initial conditioning including leveling to the desired grade, leaching of a slight accumulation of soluble salts, or lowering of the seasonal water table. Where limitations due to salts, water table, overflow, or erosion are likely to recur, the soils are regarded as subject to permanent natural limitations and are not included in class I.

Soils that are wet and have slowly permeable subsoils are not placed in class I. Some kinds of soil in class I may be drained as an improvement measure for increased production and ease of operation.

Soils in class I that are used for crops need ordinary management practices to maintain productivity—both soil fertility and soil structure. Such practices may include the use of one or more of the following: Fertilizers and lime, cover and green-manure crops, conservation of crop residues and animal manures, and sequences of adapted crops.

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<sup>6</sup> Some rapidly permeable soils in class I may have gentle slopes.



**Class II—Soils in class II have some limitations that reduce the choice of plants or require moderate conservation practices.**

Soils in class II require careful soil management, including conservation practices, to prevent deterioration or to improve air and water relations when the soils are cultivated. The limitations are few and the practices are easy to apply. The soils may be used for cultivated crops, pasture, range, woodland, or wildlife food and cover.

Limitations of soils in class II may include singly or in combination the effects of (1) gentle slopes, (2) moderate susceptibility to wind or water erosion or moderate adverse effects of past erosion, (3) less than ideal soil depth, (4) somewhat unfavorable soil structure and workability, (5) slight to moderate salinity or sodium easily corrected but likely to recur, (6) occasional damaging overflow, (7) wetness correctable by drainage but existing permanently as a moderate limitation, and (8) slight climatic limitations on soil use and management.

The soils in this class provide the farm operator less latitude in the choice of either crops or management practices than soils in class I. They may also require special soil-conserving cropping systems, soil conservation practices, water-control devices, or tillage methods when used for cultivated crops. For example, deep soils of this class with gentle slopes subject to moderate erosion when cultivated may need one of the following practices or some combination of two or more: Terracing, stripcropping, contour tillage, crop rotations that include grasses and legumes, vegetated water-disposal areas, cover or green-manure crops, stubble mulching, fertilizers, manure, and lime. The exact combinations of practices vary from place to place, depending on the characteristics of the soil, the local climate, and the farming system.

**Class III—Soils in class III have severe limitations that reduce the choice of plants or require special conservation practices, or both.**

Soils in class III have more restrictions than those in class II and when used for cultivated crops the conservation practices are usually more difficult to apply and to maintain. They may be used for cultivated crops, pasture, woodland, range, or wildlife food and cover.

Limitations of soils in class III restrict the amount of clean cultivation; timing of planting, tillage, and harvesting; choice of crops; or some combination of these limitations. The limitations may result from the effects of one or more of the following: (1) Moderately steep slopes; (2) high susceptibility to water or wind erosion or severe adverse effects of past erosion; (3) frequent overflow accompanied by some crop damage; (4) very slow permeability of the subsoil; (5) wetness or some continuing waterlogging after drainage; (6) shallow depths to bedrock, hardpan, fragipan, or claypan that limit the rooting zone and the water storage; (7) low moisture-holding capacity; (8) low fertility not easily corrected; (9) moderate salinity or sodium; or (10) moderate climatic limitations.

When cultivated, many of the wet, slowly permeable but nearly level

#### 55.4.8 General Provisions

This section applies to all facilities and activities involved in the Commercial Cultivation, Processing, Manufacture, or Distribution of cannabis for medical use, as defined in this Section, inland of the coastal zone. For purposes of this Section, the underlying General Plan land use designation will be controlling for all parcels zoned "Unclassified."

55.4.8.1 All commercial cultivation, processing, manufacture, or distribution of cannabis for medical use shall operate in compliance with this Section, as well as all applicable state and local laws.

55.4.8.2 Outdoor and Mixed-Light Commercial cultivation of cannabis for medical use shall be allowed in specifically enumerated zones in which general agriculture is a principally permitted use, or conditional use, only with a Zoning Clearance Certificate, Special Permit, or Use Permit issued pursuant to Sections 312-2.1 or 312-3.1 of the Humboldt County Code. Zoning districts where the Outdoor and Mixed Light commercial cultivation of cannabis for medical use may be located are AE (no parcel size limitation), RA (on parcels of 5 acres or larger), FP, DF, AG, ~~AEFR~~, and U (where the General Plan designates the area for agricultural development) (on parcels one (1) acre or larger), subject to the conditions and limitations set forth in this Section. In ~~FR, TPZ or U~~ 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. Additionally, with a Conditional Use Permit, Outdoor and Mixed-Light commercial cultivation of cannabis for medical use may be conducted in C-2, C-3, MB, ML, and ~~MGMH~~ zones, subject to the conditions and limitations set forth in this section.

55.4.8.2.1 Approvals for New Outdoor and Mixed-Light Cultivation Areas On parcels 5 acres or larger in size, a Zoning Clearance Certificate may be issued for new outdoor or mixed-light commercial cannabis cultivation for an area up to 10,000 square feet that was not previously in existence as of January 1, 2016, on parcels with Prime Agricultural soils~~Soils~~, in zoning districts RA, U, FP, DF, AG, or AE, on slopes of 15% or less, and with documented current water right or other non-diversionary source of irrigation water (e.g., municipal, public utility, or permitted well), subject to the conditions and limitations set forth in this section. No~~The cultivation area shall be located on the Prime Agricultural Soils on the parcel and no more than 20% of the area of Prime Agricultural soils on the parcel may be permitted for commercial medical marijuana cultivation. Where the parcel meets the characteristics which support new cultivation but the parcel contains a cultivation site that existed on January 1, 2016, the area allowance for new cultivation shall be adjusted such that the maximum aggregate 10,000 sq. ft. area (as may modified by the 20% prime soil cap) is not exceeded over the parcel (e.g., a site with a 6,000 sq. ft. existing cultivation area and meeting the criteria for new cultivation could obtain a permit for new cultivation of up to 4,000 sq. ft.).~~ Only one Zoning Clearance Certificate may be issued for each parcel, except as provided in Sections 55.4.8.2.1.1 and 55.4.14.

#### 55.4.7 Definitions

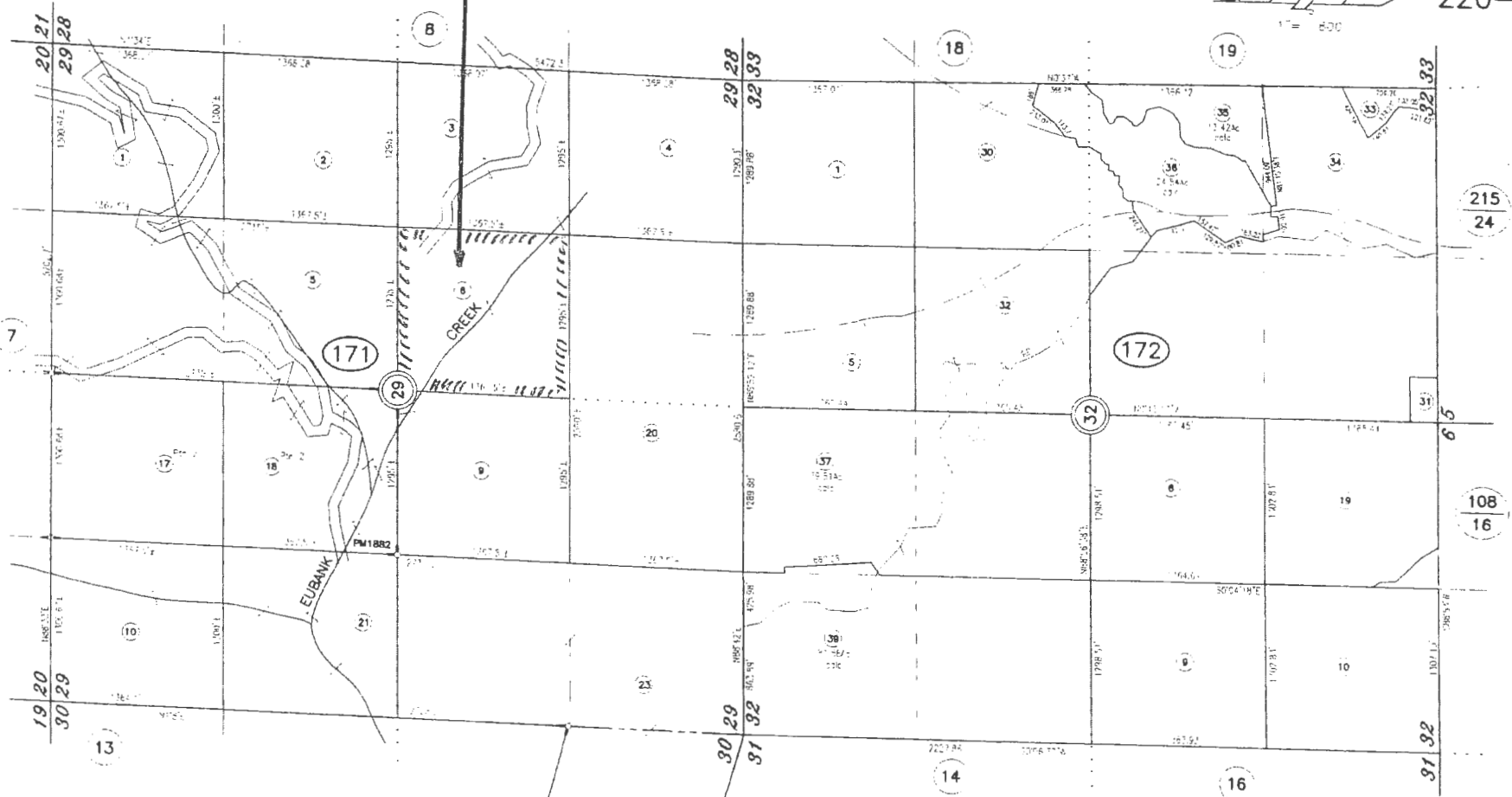
"Prime Agricultural Soils" means all lands which qualify for rating as Class I or Class II in the Soil Conservation Service land use capability classifications or qualify for rating 80 through 100 in the Storie Index Rating. Additionally, where determined through site-specific fieldwork prepared by a qualified professional, soils meeting these characteristics may be recognized as prime.





SECS 29 & 32 T4S, R2E H.B.& M.

220-17

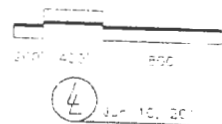


**ASSESSOR'S PARCEL MAP**  
 1. THIS MAP WAS PREPARED FOR THE  
 ASSESSMENT PURPOSES ONLY.  
 2. NO LIABILITY IS ASSUMED FOR  
 THE ACCURACY OF THE INFORMATION  
 3. ASSESSOR'S PARCELS MAY NOT  
 COMPLY WITH LOCAL ZONING  
 OR BUILDING SITE REQUIREMENTS.

LS, Bk 11 of surveys, Pg 135  
 LS, Bk 13 of surveys, Pg 18  
 LS, Bk 13 of surveys, Pg 148  
 LS, Bk 21 of surveys, Pg 96  
 LS, Bk 22 of surveys, Pg 63  
 LS, Bk 22 of surveys, Pg 73  
 LS, Bk 22 of surveys, Pg 146  
 LS, Bk 24 of surveys, Pg 130  
 PM1882 of PM Bk 16, Pgs 101-102  
 RS, Bk 52 of surveys, Pgs 44-45  
 RS, Bk 53 of surveys, Pg 5

PS, Bk 56 of surveys, Pg 16  
 PS, Bk 56 of surveys, Pgs 135-136  
 PS, Bk 57 of surveys, Pg 64  
 RS, Bk 58 of surveys, Pg 111

NOTE - Assessor's Block 16 was shown in Ellipse  
 Assessor's Parcel Number Shown in Circle  
 Assessor's Map Bk.220, Pg.17  
 County of Humboldt, CA.



### Field Notes - LCC Determination

1. Slope: GENTLE SLOPE, TERRACED AS NECESSARY.  
MINOR GRADUAL (ASSUME  $< 50^3$ ) OK
2. Wind/ Water Erosion: (SUBCLASS "e") N/A : CROPS TO BE  
PROTECTED BY BERMES/ COVERINGS OK
3. Soil Depth: (SUBCLASS "s") : MIN 12" DEPTH OK
4. Soil Structure: GOOD STRUCTURE / WORKABILITY OK
5. Salinity: N/A NO SALINITY OK
6. Irrigation Overflow: (SUBCLASS "w") N/A CULTIVATION AREA TO  
BE PROTECTED BY BERMES, SITE SPECIFIC  
MONITORED WATERING, SUFFICIENT / ADEQUATE OVERFLOW  
DRAINAGE. OK
7. Soil Moisture: N/A WATERING IS REGULATED BY FARMER
8. Climate: (SUBCLASS "c") ADEQUATE. MONITORED BY / ADAPTED  
TO BY FARMER

**WHITCHURCH ENGINEERING**  
 Building Design  
 Civil & Structural Engineering  
 610 9th STREET  
 FORTUNA, CALIFORNIA 95540  
 (707) 725-6926 FAX (707) 725-2959

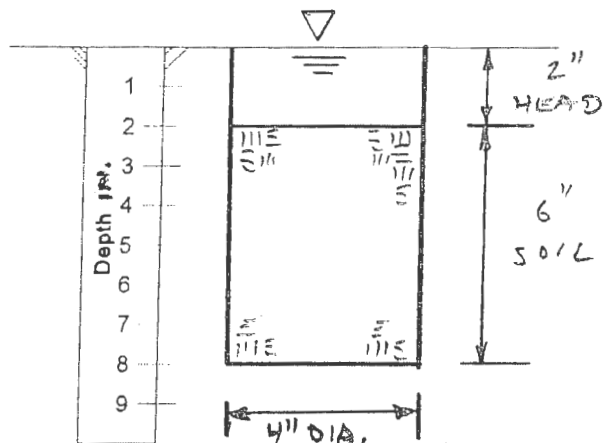
JOB WILLNER - 2400 EVBANKS RD  
 ELEMENT PERC TEST  
 SHEET NO. 1 OF 1  
 CALCULATED BY TOR DATE 10-17-19  
 CHECKED BY JL JN WLN1903

**SOILS PERCOLATION TEST DATA**

**APN** 220-171-006

Test Hole No. TH-1

Presoak FULL



| Test # | Time | Fill | Meas. (IN) | Min. | Drop (in) | Rate |
|--------|------|------|------------|------|-----------|------|
| 1      |      | 2    | 2          | —    | —         |      |
| 2      |      |      | 1          | 1    |           |      |
| 3      |      |      | 2          | 2    |           |      |
| 4      |      |      |            |      |           |      |
| 5      |      |      |            |      |           |      |
| 6      |      |      |            |      |           |      |
| 7      |      |      |            |      |           |      |
| 8      |      |      |            |      |           |      |
| 9      |      |      |            |      |           |      |
| 10     |      |      |            |      |           |      |
| 11     |      |      |            |      |           |      |
| 12     |      |      |            |      |           |      |
| 13     |      |      |            |      |           |      |
| 14     |      |      |            |      |           |      |

Stabilized Rate 2 min/inch



# WHITCHURCH ENGINEERING

Building Design • Civil & Structural Engineering

610 9<sup>th</sup> STREET  
FORTUNA, CA 95540  
(707) 725-6926

716 HARRIS STREET  
EUREKA, CA 95501  
(707) 444-1420

JOB WILLNER - 2400 EVANS RD  
ELEMENT SOIL TEST  
SHEET NO. 1 OF 1  
CALCULATED BY RAO DATE 7-27-19  
CHECKED BY TOR JN WLN1903

## Soil Test

pH

Phosphorus (P)

Potash (K)

Nitrogen (N)

## Results

7 - Neutral

1 - Deficient

4 - Surplus

2 - Adequate

## Percolation Test

4" Dia. Cylinder Depth

8 inches

Soil Depth

6 inches

Water Depth

2 inches

Water infiltration into soil

2 min/inch

## Welsh, Liza

---

**From:** Karman Willner <karm.willner@gmail.com>  
**Sent:** Friday, October 25, 2019 8:59 AM  
**To:** Welsh, Liza  
**Subject:** Prime Ag Assessment Mattole Valley Farms  
**Attachments:** WLN1901- Signed Rev Prime Ag Soil Review- 10-24-19.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Liza, Here is the Prime Ag We spoke of.  
Virgil Willner, Mattole Valley Farms, LLC

## 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              |
|---|----------|----------------------|-----------------------|
| California Division of Water Rights             | ✓        | Approval             | Attached              |
| Environmental Health Division                   | ✓        | Conditional approval | Attached              |
| Public Works Land Use Division                  | ✓        | Conditional approval | Attached              |
| CALFIRE   | ✓        | Other Comments       | Attached              |
| Building Inspection Division                    | ✓        | Other Comments       | Attached              |
| CA Department of Fish & Wildlife                |          | No response          |                       |
| Northwest Information Center (NWIC)             | ✓        | Other Comments       | On file with Planning |
| Bear River Band Rohnerville Rancheria           | ✓        | Conditional approval | On file with Planning |
| California Division of Water Resources          |          | No response          |                       |
| Humboldt County Sheriff                         |          | No response          |                       |
| RWQCB   |          | No response          |                       |
| Humboldt County District Attorney               |          | No response          |                       |
| NCUAQMD   |          | No response          |                       |
| Humboldt County Agricultural Commissioner       |          | No response          |                       |
| Southern Humboldt Joint Unified School District |          | No response          |                       |



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

11/26/2019

**Project Referred To The Following Agencies:**

Environmental Health, PW Land Use, Building Inspections, School District: Southern Humboldt JUSD, Cal Fish & Wildlife, Bear River Band, NWIC, CalFire, County Counsel, RWQCB, NCUAQMD, District Attorney, AG Commissioner, Sheriff, Division of Water Resources, CA Division of Water Rights

---

**Applicant Name** Key Parcel Number 220-171-006-000

**Application (APPS#)** PLN-11666-ZCC **Assigned Planner** Liza Welsh 707-268-3718

---

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: 12/11/2019**

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

---

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

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

**Other Comments:** Applicant has already obtained SIUR water right for their cannabis cultivation project.

---

DATE: 11/27/2019 PRINT NAME: Jonathan Pham, Cannabis Registration Unit - Division of Water Rights

PLN-11666-ZCC - Mattole Valley Farms Business Support - ZCC for 9,900 sf of outdo...

Cancel
Help

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (5)

Payment

Workflow History (20)

Comments (6)

Documents (42)

|                               |  |   |
|-------------------------------|--|---|
| Task                          | Due Date   | Assigned Date   |
| Environmental Health          | 03/02/2019   | 02/15/2019  |
| Assigned to Department        | Assigned to  | Status  |
| Environmental Health          | LandUse1 DEH   | Approved with Conditions  |
| Action by Department          | Action By  | Status Date   |
| Environmental Health          | Ben Dolf   | 02/20/2019  |
| Start Time                    | End Time   | Hours Spent   |
|                               |  | 0.0   |
| Billable                      | Overtime   | Comments  |
| No                            | No   | Onsite processing must be supported by a permanent means of sewage disposal. Operator shall install a permitted onsite wastewater treatment system, associated with a permitted structure, to support the needs of the project. |
|                               |  | The pit privy must be destroyed upon installation of the approved wastewater treatment system.  |
| Time Tracking Start Date      | Est. Completion Date                                       | In Possession Time (hrs)  |
| Display E-mail Address in ACA | <input checked="" type="checkbox"/> Display Comment in ACA | Comment Display in ACA  |
| No                            |  | <input checked="" type="checkbox"/> All ACA Users   |
|                               |  | <input checked="" type="checkbox"/> Record Creator  |
|                               |  | <input checked="" type="checkbox"/> Licensed Professional   |
|                               |  | <input checked="" type="checkbox"/> Contact   |
|                               |  | <input checked="" type="checkbox"/> Owner   |
| Estimated Hours               | Action Updated   | Workflow Calendar   |
| 0.0                           |  |   |



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

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

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

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Liza Welsh, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer: *[Signature]*

DATE: 02/28/2019

RE:

|                |                                       |
|----------------|---------------------------------------|
| Applicant Name | MATTOLE VALLEY FARMS BUSINESS SUPPORT |
| APN            | 220-171-006                           |
| APPS#          | PLN-11666-ZCC                         |

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

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

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

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 6/15/2018, 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 # 11666\_

☐ **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: (AT END OF COUNTY MAINTAINED RD)**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. 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 //

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

- ☒ The Department has no comment at this time.
- ☐ Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of Items attached.
- ☐ Recommend denial.
- ☐ Other comments.

Forester Comments: 

|               |                   |
|---------------|-------------------|
| Date: 12/2/19 | Name: Lucas Titus |
|---------------|-------------------|

CAL FIRE RM has no comments on APPS# 11666.

Battalion Chief Comments: 

|       |       |
|-------|-------|
| Date: | Name: |
|-------|-------|

Summary:

▼ Pre-Site Inspection

Status:

[History](#)

### PRE-SITE

**Project Started**

☐ Yes ☐ No

**AOB Inspection**

☐ Yes ☐ No

**Soil Required Due to**

**Project is in flood zone A**

☐ Yes ☐ No

**2nd Flood Certificate Required**

☐ Yes ☐ No

**SRA requirements apply**

☐ Yes ☐ No

**SRA water storage requirements apply**

☐ Yes ☐ No

**Grading permit required**

☐ Yes ☐ No

**Erosion and sediment control measures required**

**Lot created prior to 1992**

☐ Yes ☐ No

**Incomplete Submittal Construction Plan**

☐ Yes ☐ No

 [Standard Comment](#)

**Plans Stamped by Licensed Prof Required**

☐ Yes ☐ No

**Soil Report Required**

☐ Yes ☐ No

**FIRM panel number**

(Text)

**Flood elevation certificate required**

☐ Yes ☐ No

**Project appears to be within wet area**

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

☐ Yes ☐ No

**Driveway slope appears to be**

**Submit engineered foundation for**

**Applicant must locate property lines**

☐ Yes ☐ No

**Plot plan incomplete, must be revised**

☒ Yes ☐ No

**Other concerns exist**

☐ Yes ☐ No

Planning Referral  
3/21/19  
db

- Note: several of the existing water tanks are presently located within a SMA
- revise and resubmit plot plan showing all water tanks in proper locations
- revise and resubmit plot plan showing existing and proposed green houses in proper locatio with proper labeling of sizes

check spelling

Attachment  
(s) :

