



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 7, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Barn Cat Farm, LLC, Special Permits**
Record Number: PLN-11893-SP
Assessor's Parcel Number (APN) 522-044-039
3400 Brannan Mountain Road, Willow Creek area

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Please contact Misael Ramos C., Planner, at 707-441-2633 or by email at mramos1@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 7, 2020	Special Permits	Misael Ramos C.

Project Description: Barn Cat Farm, LLC, seeks a Special Permit for an existing 8,482 square foot (SF) outdoor cultivation operation consisting of 5,731 SF full sun () and 2,751 SF of three (3) light deprivation in three hoop houses. A 1,272-square-foot ancillary propagation area supports the operation. Irrigation water is sourced from a combination of Class II spring diversion and rain catchment. Total available water storage is 37,950 gallons. A new 200,000-gallon pond is proposed to meet annual forbearance needs and to cease use of the Class II spring diversion. Estimated annual water usage is 182,847 gallons. Drying and bucking, occurs onsite in an existing 750-square-foot agriculture building. Processing is done at a licensed off-site facility. A two-story, 640-square-foot on-site processing building is proposed. Up to four (4) employees may be utilized for peak operations. Power is provided by generators. The proposed project also includes a Special Permit for development within the Streamside Management Area to allow for stream channel enhancement and decommissioning a point of diversion.

Project Location: The project is located in the Willow Creek area, on the North side of State Highway 299, approximately .24 miles South from the intersection of China Gulch Road and Brannan Mountain Road, on the property known as 3400 Brannan Mountain Road.

Present Plan Land Use Designations: Timberland (T)

Present Zoning: Timber Production Zone (TPZ) Density: one dwelling unit per 20 acres, Slope Stability: Moderate to High Instability.

Record Number: PLN-11893-SP

Assessor's Parcel Number: 522-044-039

Applicant

Barn Cat Farm, LLC
Tara Fulgenzi
PO Box 1217
Willow Creek, CA 95573

Owner

Tara Fulgenzi
PO Box 1217
Willow Creek, CA 95573

Agents

Janssen Malloy
Jeffery Slack
PO Drawer 1288
Eureka, CA 95502

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

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

Major Issues: None.

BARN CAT FARM, LLC
Record Number: PLN-11893-SP
Assessor's Parcel Number: 522-044-039

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 Commission 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 Barn Cat Farm LLC, project as recommended by staff subject to the recommended conditions

Executive Summary:

Barn Cat Farm, LLC (Applicant) seeks approval of a Special Permit for 8,482 square feet of existing outdoor medical cannabis cultivation on Assessor's Parcel Number 522-044-039 which is approximately 56 acres in size. The cultivation will take place in three (3) adjacent full sun areas totaling 5,731 SF and in three (3) light deprivation greenhouses totaling 2,751. An additional Special Permit is sought for development within the Streamside Management Area to authorize stream channel improvements and point of diversion decommissioning. Processing, including drying and bucking, occurs on-site in an existing 750 square foot "ag building" shown on the Site Plan. Dried cannabis is then placed in bins and transported to an off-site commercial processing facility for final trimming, manicuring and packaging for sale. On-site processing is proposed but is not supported by staff. The applicant states that up to four employees are needed for operations. Electricity is sourced from three generators on of which is noise contained.

A maximum of two annual harvests are proposed. Ancillary propagation occurs on a 1,053 SF open air clone staging area and a 219 SF open air clone staging area. Drying will occur in an existing 750 square foot 'Ag Building'. A two-story 640 square foot processing building is proposed. Staff recommends that the proposed processing building not be approved as part of this Special Permit as the site is zoned TPZ which does not support new cannabis development.

Water for irrigation is sourced from rainwater catchment from the existing 750 square foot ag structure and a Point of Diversion (POD) located on a Class II spring which is a tributary to Brannan Creek which flows into Willow Creek, the Trinity River, the Klamath River and finally the Pacific Ocean. A Final Lake and Streambed Alteration Agreement (LSAA) was obtained from the California Department of Fish and Wildlife (CDFW) Notification No. 1600-2016-0228-R1 for the POD. Although the documentation submitted by the applicant indicates that the POD is authorized under a riparian water right, the applicant is required to obtain appropriate rights for diversion of irrigation water for the purpose of commercial cannabis irrigation and submit evidence of water rights to the Planning Department as a condition of project approval.

Water storage for irrigation currently consists of a series of hard-sided water tanks totaling approximately 28,750-gallons. The Applicant proposes to install a 200,000-gallon, lined rainwater catchment pond. To comply with the CCMLUO, the applicant is required to either (1) consent to forebear from point of diversion during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or (2) submit a water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period. The project will meet the requirement to forbear through the development of a 200,000-gallon off-stream, rainwater catchment pond.

On-site reorientation of cultivation areas occurred between 2012 and 2016 in order to consolidate historic cultivation sites 4,5,6 and 7 and bring the cultivation area closer to sites 1 and 2. Completion of the proposed relocation and reorganization of the site would cluster the outdoor cultivation in such a way that no longer requires water to be mechanically pumped up a gradient, which is expected to decrease fuel use and emissions as well as noise impacts to biological resources located within the surrounding forest matrix.

A grading and erosion control plan has been prepared by Trinity Valley Consulting Engineers, LLC. for the proposed development of the pond. As a condition of project approval, the applicant is required to submit a Restocking Plan prepared by a qualified professional (e.g. biologist, forester, etc.) describing the methods of timber and vegetation restocking. Approximately 0.5 acres of forested area are proposed to be converted to develop the pond. The plan shall include a monitoring plan, cost estimate, and plans to mitigate environmental impacts at the pond site throughout its useful life. Proposed topographical recontouring will require a grading permit and is a condition of approval.

In addition to improvements to the access road, the applicant is required to implement the improvements recommended by the Department of Public Works – Land Use Division, as well as the associated Road Evaluation Report (RER) prepared for Brannan Mountain Road by Pacific Watershed Associates and Addendum 2 dated June 2018. The County sign shop would install all required signs, as required by the above-mentioned RER, to the satisfaction of the Public Works Department. Any existing or proposed driveways that will serve as access for the proposed project that connect to a County-maintained road would be improved to current standards for a commercial driveway. An encroachment permit would be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. The applicant would also be required to construct and maintain a paved surface at the location of the driveway (connected to Brannan Mountain Road) for a minimum width of 18 feet and a length of 50 feet and maintain all driveways and private road intersections in accordance with County Sight Visibility Ordinance.

The nearest NSO activity center is located approximately 1.65 miles from the cultivation area. The project has been conditioned for noise attenuation, refraining from using synthetic netting, and ensuring refuse is contained in wildlife proof storage.

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

Staff recommends that the on-site processing building not be approved as proposed. On-site processing is not an existing use and the project is for the permitting of existing cultivation. New cannabis infrastructure is not allowed in the Timber Production Zone.

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: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator can elect to approve the proposed on-site processing building, having found it feasible as proposed. 4) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be

made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, Planning Division staff does not recommend further consideration of these alternatives.

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

**Resolution Number 20-
Record Number: PLN-11893-SP
Assessor's Parcel Number: 522-044-039**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Barn Cat Farm, LLC, Special Permits request.

WHEREAS, Barn Cat Farm, LLC, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 8,482-square-foot outdoor cannabis cultivation operation of which 5,731 square feet utilizes full-sun and 2,751 square feet utilizes light deprivation cultivation within greenhouses. There is a 1,272-square-foot propagation area. Water is sourced from rainwater catchment and a point of diversion. The project includes development of a 200,00-gallon off-stream pond to allow the applicant to cease the reliance on the diversion. Processing, including drying and bucking will occur on-site while trimming will occur off-site at a licensed facility; and

WHEREAS, Barn Cat Farm, LLC, submitted an application and evidence in support of approving a Special Permit for the stream channel enhancement and decommissioning a point of diversion; and

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

WHEREAS, the County Planning Division does not support approval of the proposed on-site processing building because the use was not existing and additional development in TPZ zoned areas is not consistent with the CMMLUO; and

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permits (Record No. PLN-11893-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on April 16, 2020.

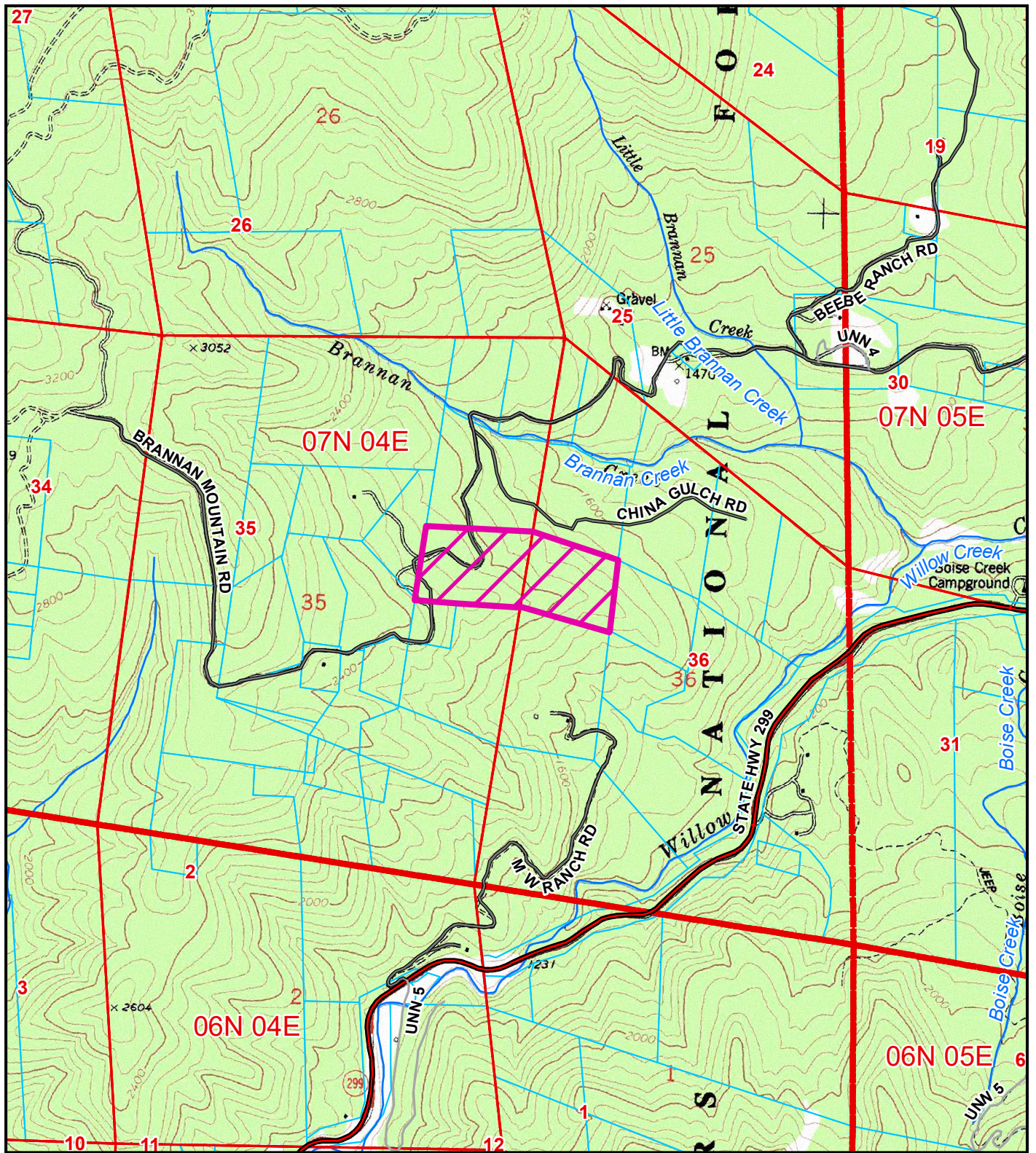
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and

2. The Zoning Administrator makes all of the required findings in Attachment 2 of the Zoning Administrator staff report for Record Number: PLN-11893-SP based on the submitted substantial evidence; and
3. Special Permits (Record Number: PLN-11893-SP) are approved as recommended and conditioned in Attachment 1, without the proposed on-site processing building.

Adopted after review and consideration of all the evidence on May 7, 2020.

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

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



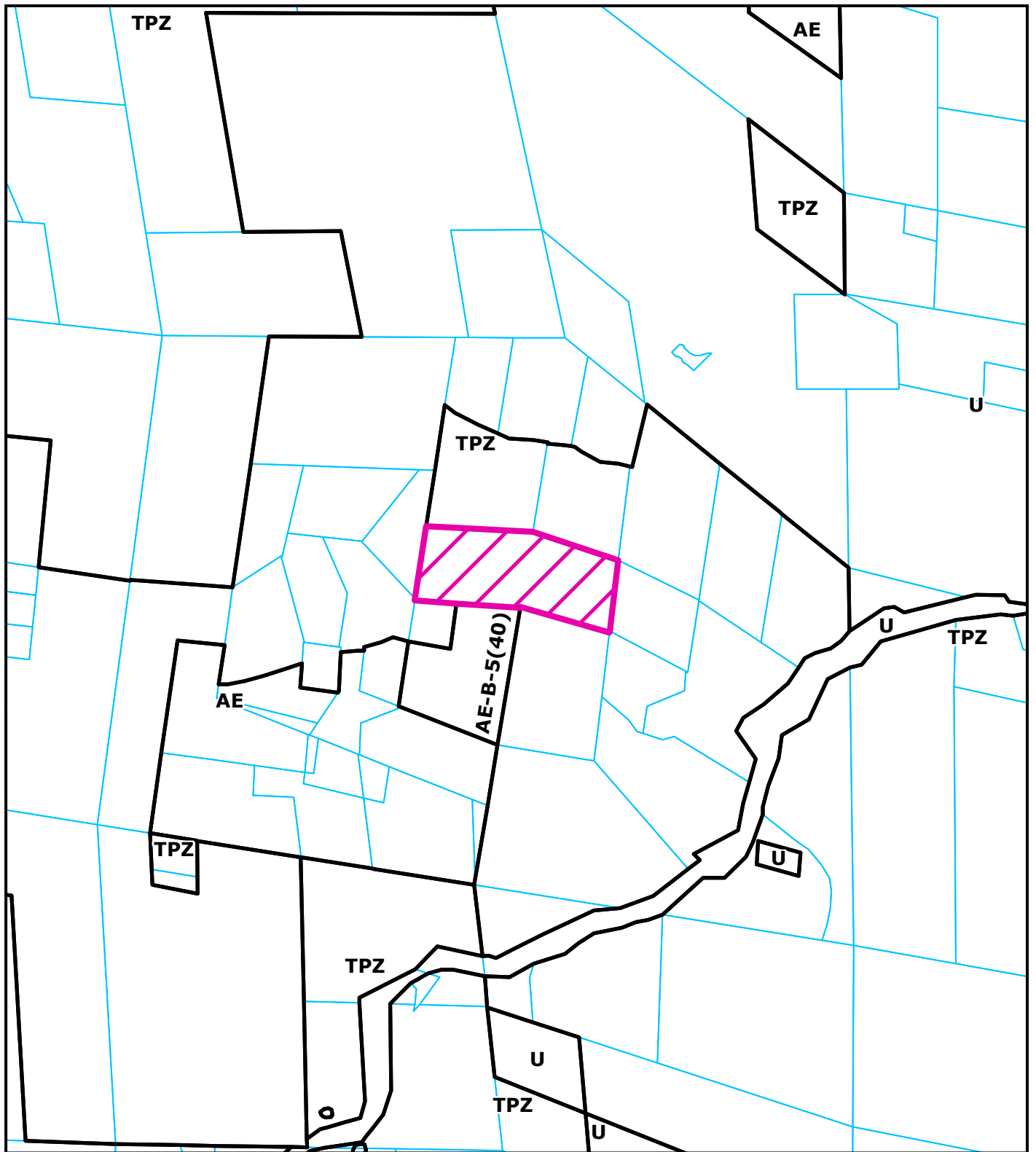
TOPO MAP
PROPOSED BARN CAT FARM, LLC
WILLOW CREEK AREA
SP-16-340

Project Area = 

APN: 522-044-039-000
T07N R04E S35; S36 HB&M (WILLOW CREEK)

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

0 1,000 2,000 4,000 Feet



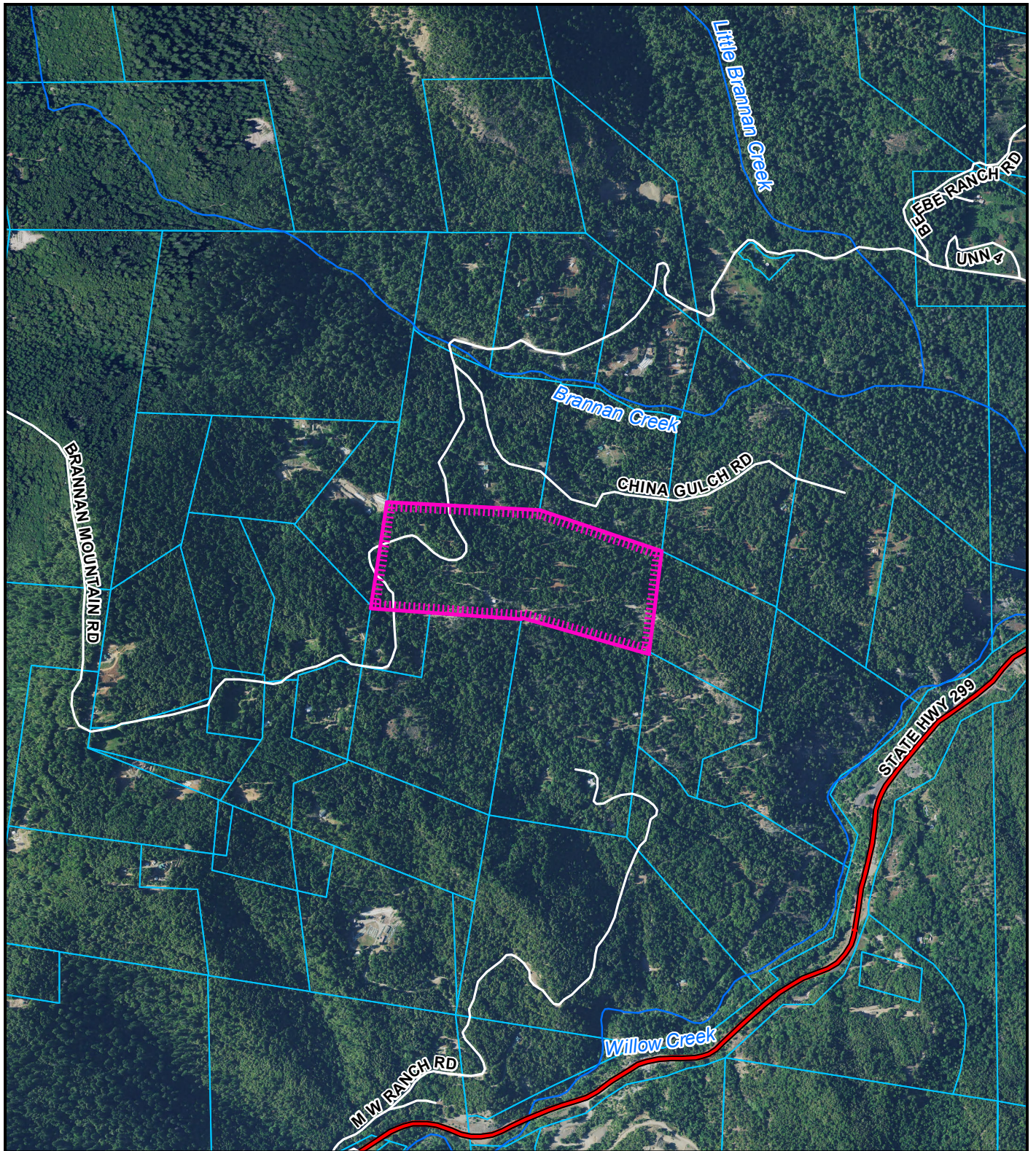
Project Area =

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.

ZONING MAP
PROPOSED BARN CAT FARM, LLC
WILLOW CREEK AREA
SP-16-340
APN: 522-044-039-000
T07N R04E S35; S36 HB&M (WILLOW CREEK)

0 1,000 2,000 4,000

Feet

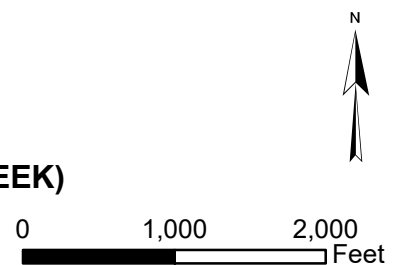


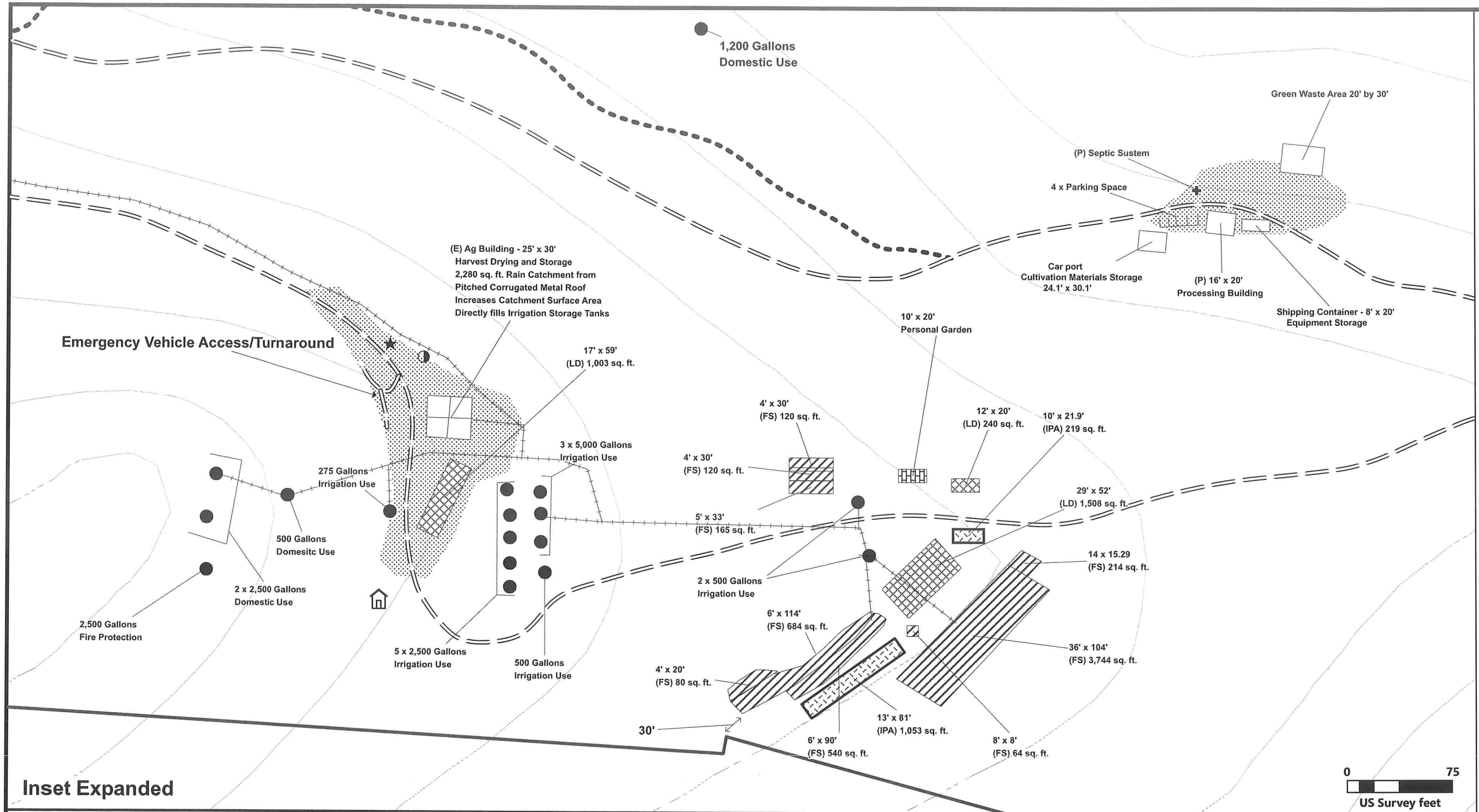
Project Area = 

**AERIAL MAP
PROPOSED BARN CAT FARM, LLC
WILLOW CREEK AREA
SP-16-340**

**APN: 522-044-039-000
T07N R04E S35; S36 HB&M (WILLOW CREEK)**

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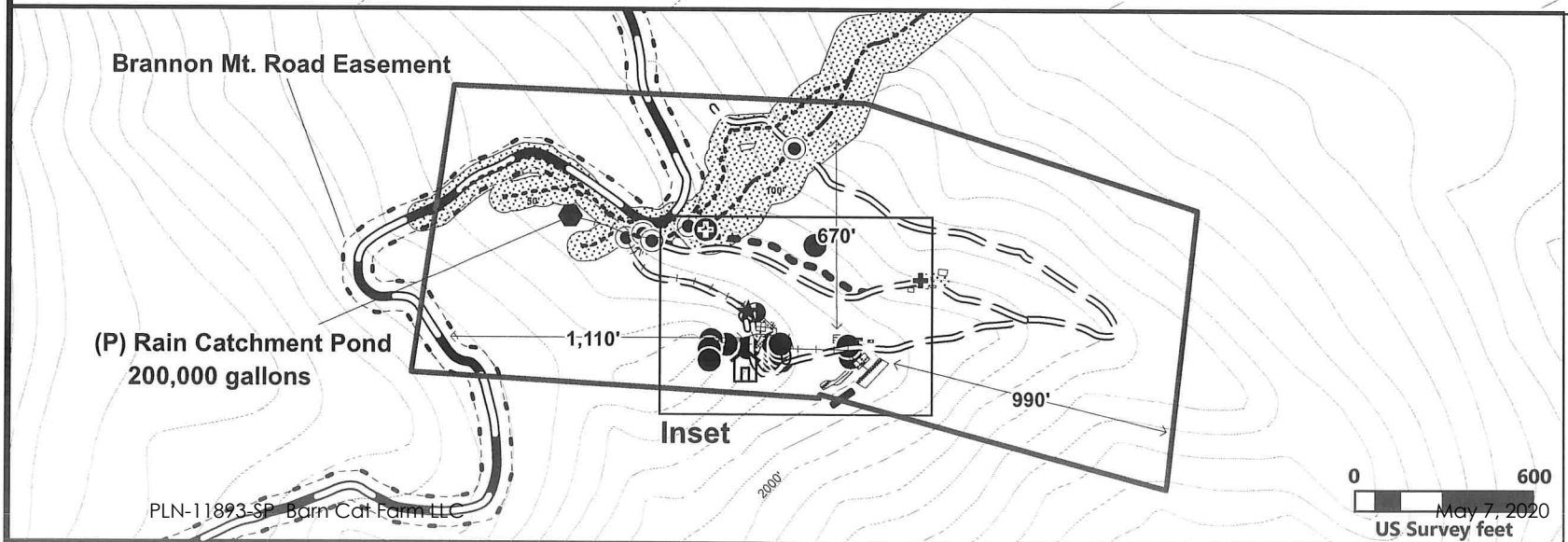




- Property Boundary
- Brannon Mt. Rd
- Seasonal Road
- ATV Trail
- Class II Watercourse
- Class III Watercourse
- Surface Drainage
- 500 Gallon Propane
- Culvert Crossing
- Rock Ford Crossing
- Water Storage Tank
- Generator
- Graded Area
- Port-a-Potti
- Proposed Rain Catchment Pond
- Stream Management Area (SMA)
- Personal Garden
- Light Deprivation Cultivation (LD)
- Full Sun Cultivation (FS)
- Immature Plant Area (IPA)

Brannon Mt. Road Easement Shown
Water Easement benefitting parcel. Location Unknown
No Schools, Public Parks, or Places of Worship within 600'
Map Date: 01/09/2020
Created by J. Henry
Willow Creek, CA 7.5' USGS Quad

Inset Expanded



Applicant: Barn Cat Farm LLC.
Tara Diva Fulgenzi
APN: 522-044-039
Acres: 56
Zoning: TPZ- Timber Reserve
Property Benefitted by Water Easement
Total aggregate square footage: 8,482 sq. ft.
Light Deprivation Total: 2,751 sq. ft. (LD)
Full Sun cultivation Total: 5,731 sq. ft. (FS)

Directions to Site:
Beginning in Willow Creek, CA
Take Hwy 96 North from Willow Creek
In 0.4 Miles, Make Left onto Brannon Mountain Rd
In 3.8 Miles, Make Left onto APN 522-044-039

Timberland Resource Consultants

165 South Fortuna Boulevard, Fortuna, CA 95540
707-725-1897 • fax 707-725-0972
trc@timberlandresource.com

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
2. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
4. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 - 18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
5. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, dehumidifier, heater and/or fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled Murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No use of fans or dehumidifiers is authorized by this permit until the applicant can be demonstrated to comply with this standard.
6. The applicant shall secure permits or agricultural exemptions for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed hoop houses, water tanks over 5,000 gallons, ponds, existing and proposed structures associated with drying, processing and storage or any activity with a nexus to cannabis, and any noise containment structures for generators, hoop house fans or any other noise generating equipment as necessary. Applications for building permits shall be referred to the North Coast Unified

Air Quality Management District (NCUAQMD). The plans submitted for building permit approval shall be consistent with the project description and the 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.

7. The applicant shall contact the local fire service provider [Willow Creek Volunteer Fire District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
9. The applicant shall submit a grading, erosion and sediment control plan prepared by a qualified engineer. The plans shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
10. If the proposed processing building is approved as part of the project, the applicant shall obtain a permit from the Division of Environmental Health (DEH) and install the Onsite Wastewater Treatment System (OWTS) as described in the OWTS Design Report prepared by Trinity Valley Consulting Engineers, Inc. dated January 2018. A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.
11. The applicant shall install a water use monitoring device on each source – class II spring diversion, rain catchment system and pond, and storage tanks as applicable - to monitor water used for cannabis irrigation separate from domestic use. Water use shall be reported at the time of annual inspections.
12. Prior to development of the off-stream pond, including timber conversion, the applicant shall submit to the Planning Department a Less-than-Three-Acre-Conversion exemption from CAL FIRE.
13. Prior to implementation of the rainwater catchment pond the applicant shall submit to the Planning and Building Department an R-2 Soil Stability report prepared by a qualified professional. The applicant shall adhere to the recommendations of the report concerning the feasibility of the pond as proposed.
14. The applicant shall submit to the Planning Department a Stream Channel Restoration plan for the enhancement of the Class II stream and for the decommissioning of the point of diversion. The plan shall conform with the recommendations of the Site Management Plan and describe methods, mitigative measures for impacts to aquatic organisms, expected results and a monitoring time frame.
15. The applicant shall submit a Timber Restocking Plan prepared by a qualified professional describing the species and methods to be used, and a monitoring plan for the restocked areas. The plan shall achieve an 70% success rate 5 years after implementation.
16. Once approved, In the event that the applicant does not intend to implement the proposed rainwater catchment pond, within two years of project approval the applicant shall obtain permits for and install water storage tanks sufficient to comply with the May 15th through October 15th diversion minimization or forbearance period set forth in the applicant's Lake and Streambed Alteration Agreement #1600-2016-0228-R1.

17. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
18. The driveway that connects to County maintained Brannan Mountain Road be maintained in accordance with County Sight Visibility Ordinance and that, the intersection of the driveway with the publicly maintained Brannan Mountain Road shall be improved to current standards for a commercial driveway which requires the driveway apron be paved for a minimum width of 18 feet and a length of 50 feet. This condition shall be completed to the satisfaction of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. Additionally, project shall implement all recommendations listed in the Road Evaluation Report (RER) submitted on June 6, 2018 by Pacific Watershed Associates and Addendum 2 dated July 2018 for Brannan Mountain Road. The applicant shall contact the Department of Public Works prior to ordering the required signage. The County sign shop shall install all required signs, as required by the above-mentioned RER, to the satisfaction of the Public Works Department Prior to constructing any improvements or implementing any neighborhood traffic management plans, the applicant shall contact the Department determine what work has already been accomplished so work is not duplicated. A letter or similar communication from the Department of Public Works Land Use Division verifying that the recommendations have been completed will satisfy this condition.
19. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
20. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.
12. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring parcels. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
15. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
16. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

17. 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."

18. 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).
19. 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.
20. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts;
 - (3) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
21. 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.

22. 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 permit holder(s) and the permitted site have been found to comply with all conditions of approval.
23. If the inspector or other County official determines that the permit holder(s) or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
24. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 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.
25. 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.

Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
26. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new Owner(s) and management as required in an initial permit application;

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

27. 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 CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #22 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, grindstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the

conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
8. 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.
9. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.

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, in Sections 312-1.1.2 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Permits), specifies the findings that are required to grant a Special Permit:

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 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) 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; (2) the remaining sites identified in the Housing Element are adequate to accommodate the County's share of the regional housing need; and (3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. The proposed development must be consistent with the General Plan, Open Space Plan, and Open Space Action Program. The following table documents the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Timberland (T): Lands primarily suitable for the growing, harvesting and production of timber. Allowable uses include timber production, general agriculture, timber/agricultural products processing, natural resource uses, other uses.</p> <p>Density range is 40 -160 acres/unit.</p>	<p>The project includes 8,482 square feet (sf) of existing outdoor commercial cannabis cultivation, ancillary propagation and processing activities. These uses are considered agricultural uses that are consistent with the 'Timberland' land use designation which allows general agriculture activities.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies 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 policy: C-P3, Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is off Brannan Mountain Road, a partially County maintained road. Pacific Watershed Associates prepared an engineering evaluation of Brannan Mountain Road on June 6, 2018 and Addendum 2 dated July 2018. Brannan Mountain road is County maintained from the intersection with Hwy 96 to mile marker 5.65, where it becomes a USFS road. The project is accessed on mile marker 3.63. Their detailed analysis concluded that the roadway could handle the traffic increase caused by the cumulative projects that would use the road, and further made recommendations for roadway improvements. While the Road Evaluation Report does not make recommendations specific to the road on the Parcel, the Site Management Plan does. The roads on-site are described as needing maintenance and as having drainage and sediment transport issues.</p> <p>The Department of Public Works (DPW) submitted their comment on January 31, 2019. Public Works set forth conditions of approval. The applicant must follow the recommendations of their June 2018 Road Evaluation Report (RER) which must be implemented to the satisfaction of the DPW prior to implementation of the project. The applicant shall contact DPW prior to obtaining required signage for which the applicant is financially responsible. The County shall install all required signs as required by the RER. The applicant shall coordinate with surrounding property owners so that improvement efforts are not duplicated.</p> <p>DPW recommends that all fences and gates be placed out of County right-of-way and in such a way that vehicles do not impede traffic when staging to operate gates.</p> <p>Conditions of approval require the intersection that connects the County road to the driveway be improved to meet County visibility ordinance and encroachment permit ordinance standards and that the recommendations in the Road Evaluation Report and Addendum prepared Pacific Watershed Associates as well as those in the Site Management Plan prepared by Timberland Resource Consultants be implemented.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies 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 policy: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development and the parcel is not included in the 2019 Regional Housing Needs Assessment Land Inventory. The project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies in this chapter relate to an Open Space and Conservation Program that is complementary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3).</p> <p>Related policy: CO-P12, Development Review</p>	<p>The proposed project is located within Open Space Land Plan because the project site is planned Timberland and is zoned Timber Production. The project can be found consistent with the Open Space Action Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The project utilizes rainwater catchment and will construct a pond to decrease impacts to water resources and re-stock timber in other portions of the property to ensure no net loss of timber, on land planned Timberland, consistent with the preservation of natural resources within open space. The project is located in a very high fire hazard severity area and has 2,500 gallons of dedicated fire suppression water storage and dedicated emergency access turnaround. The project meets all appropriate Streamside Management Area setbacks and the cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>

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>Biological Resources Section 10.3</p>	<p>Goals and policies 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; and BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas</p>	<p>The subject property is in the vicinity mapped sensitive species and is located of Northern Spotted Owl (NSO) habitat. The nearest NSO activity center is located approximately 1.65 miles from the site but lands surrounding the site are heavily forested thus there is potential for NSO habitat. As a result, the project is conditioned to ensure the combination of background, generator and greenhouse fan or other operational equipment created noise measured at 100 feet or the edge of habitat, whichever is closer, meets the 50-dB threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. Additionally, based on comments received from CDFW on November 26, 2019, the project is conditioned to meet the reporting requirements of the issued Final LSAA#: 1600-2017-0228, ensure generators are located at least 200 feet from the onsite Class II and Class III streams, assume presence of NSO and ensure noise attenuation is reached as discussed above, and remediation of the timber converted area post-1/1/2016 which will occur through implementation of the Restocking Plan required as a condition of approval for the development of the pond as proposed. The project includes onsite relocation and consolidation of cultivation areas. A wildlife biologist with Timberland Resource Consultants has prepared a letter dated Nov. 18, 2019, which describes why this relocation is environmentally superior. The relocation which serves to reduce the use of the native surfaced roads which in turn reduces sediment transport due to erosion and also to reduce the need for water to be mechanically pumped to the cultivation areas. This reduces both fuel use and related emissions and excessive noise (up to 90 dBA per TRC) generated by the water pumps themselves. Furthermore, the project is conditioned to adhere to Dark Sky Standards , refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.</p>
<p>Conservation and Open Space Chapter 10</p>	<p>Goals and policies in this chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social, and</p>	<p>The project was referred to the Northwest Information Center (NWIC) as well as the Hoopa Valley Tribe and Tsnungwe Council in January 2019. Tsnungwe Council responded with no objection to the project and no response was received from Hoopa Valley Tribe. Ongoing conditions of</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Cultural Resources Section 10.6	<p>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>approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies 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 to a system of scenic highways and roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the county.</p> <p>Related policy: SR-S4, Light and Glare.</p>	<p>The project involves outdoor only cultivation and per the applicant, no supplemental lighting is utilized to support the project or cultivation. The ancillary propagation areas are not proposed to contain artificial lighting.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies 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 delisting 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-G, WR-G7, WR-G8, WR-G8).</p> <p>Related policy: WR-P8, Erosion and Sediment Discharge.</p>	<p>The site is located in Brannan Creek watershed within the Upper Willow Creek Watershed tributary to the Trinity River then Klamath River. There are no mapped waterways, however the site plan shows a Class II watercourse near the site's driveway off of Brannan Mountain Road. A Special Permit is requested for stream channel enhancement and decommissioning a point of diversion. As a condition of approval, the applicant shall submit a stream channel restoration plan. The Project site was enrolled (WDID: 1B16420CHUM) as a Tier 2 site with North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 in July 2016 and a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities was prepared by Timberland Resource Consultants in April 2016. The site was transitioned in August 2018 to the new State Water Board Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Policy), and the General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities, Order WQ 2019-0001-DWQ (General Order). A Site Management Plan (SMP) was prepared by Timberland Resource Consultants (TRC) and updated in September 2019. A NCRWQB's Notice of Applicability letter (Attachment 4) issued August 30, 2019 confirmed enrollment in the new SWRCB Policy and General Order (WDID 1_12CC403794) and classified the site as Tier 1 Low Risk based on the information submitted. The SMP (Attachment 4) prepared by TRC describes how they are complying with the Policy and General Order and what is needed to achieve compliance. A Treatment Implementation Schedule and Mitigation Report has been developed in order for the site to achieve continuous compliance in a timely and appropriate manner. The Schedule identifies 14 out of 39 sites as needing attention ranging from immediate to upon approval of land use permits. As a condition of approval, 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 (Attachment 4). 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 as a condition of approval.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P20, On-Site Sewage Disposal Requirements.</p>	<p>Division of Environmental Health (DEH) recommended approval in February 2019 with no conditions. The project is conditioned on obtaining a permit from the Division of Environmental Health (DEH) for the installation of a proposed Onsite Wastewater Treatment System (OWTS) as described in the OWTS Design Report prepared by Trinity Valley Consulting Engineers, Inc (if processing on site is approved). dated January 2018. The project is conditioned to provided portables for cultivation staff when staff are on site until such time that a suitable on-site wastewater treatment system can be developed.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies in this chapter discourage incompatible uses in communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>The subject parcel may be located in an area that requires special noise attenuation measures to protect Northern Spotted Owl (NSO) habitat as the nearest NSO activity center is located approximately 1.65 miles from the site. Land surrounding the site is heavily forested thus there is potential for NSO habitat. The project is conditioned to ensure the combined noise levels from the Honda generator and propane generator meets the 50-dB threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. Should construction of additional noise containment structures be necessary to obtain compliance, the project is also conditioned to obtain a building permit. Conditions of approval require the applicant to demonstrate compliance prior to use of any generators, fans or dehumidifiers.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies 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 man-made hazards, and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high-risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone, nor is it subject to liquefaction. There are no historic landslides in the vicinity of the project site. The Site Management Plan states that there were no observed unstable areas or erosion within or adjacent to the cultivation areas. The average slope of disturbed area ranges from 11% to 28% or less and is seismically classified as having high instability. Given the relatively moderate slope where they are located, the existing improvements are not expected to be affected by geologic instability. The project also does not pose a threat to public safety related to exposure to natural or man-made hazards. A Grading and Erosion Control plan has been prepared by Trinity Valley Consulting Engineers, Inc., for the proposed pond, which prescribes erosion control measures including straw wattles and silt fences. The applicant shall adhere to the Best Practical Treatment or Control (BPTC) measures identified in the Site Management Plan prepared for the property in accordance with State Water Resource Control Board's Cannabis Cultivation Policy. Grading permits shall be obtained prior to implementation of the pond and for all other earth movement as required. These measures are conditions of approval.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies in this chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-PX3, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is approximately 24 miles from the coast at an elevation ranging from 1,440 – 2,240 feet above mean sea level so it is outside the areas subject to tsunami run-up. It is outside of any mapped flood hazard areas and not within a mapped dam or levee inundation area.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Fire Hazards	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. Related policy: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations	The subject property is located in a mapped Very High Fire Hazard Severity area. The parcel is within the Willow Creek Fire Protection District response area and State Responsibility Area (SRA) where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. Cal Fire recommends compliance with the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in SRAs. The plot plan shows a 2,500-gallon water storage tank dedicated for fire suppression and an additional 28,750 gallons available from irrigation water storage, and a proposed Cal Fire turn-around. The Cultivation and Operations Plan states that up to four (4) employees may be utilized for peak processing operation and they will not live onsite.
Community Infrastructure and Services Element, Chapter 5 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.	To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Willow Creek Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
Air Quality Element Chapter 15	Goals and policies 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, and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4). Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.	As a condition of project approval, applications for grading and/or building permits are referred to the North Coast Air Quality Management District (NCUAQMD) for review and consultation.

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 Requirements	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel is a legal parcel as described in Mathews and Pappas Parcel Map 1225 in Book 10 of Parcel Maps, Page 141. There is no further evidence of subdivision nor terms, conditions, or violations. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.4 Timberland Production (TPZ)	The TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. Grazing and other agricultural uses are principal compatible uses.	The project is for the cultivation of commercial outdoor cannabis in full-sun and hoop houses with ancillary propagation that does not utilize supplement lighting, as well as processing activities.
Minimum Lot Area:	160 acres; or 40 acres if provisions of §51119.5 are met	56 acres
Minimum Lot Width:	50 feet	990 feet
Maximum Lot Depth:	Three times the width, ~2,970 feet	Approximately 2,541 feet
Max. Lot Coverage:	None specified	1.5 %
Min. Yard Setbacks (through the SRA requirements):	Firesafe (I) and Cannabis Ordinance setbacks of 30 feet from all sides. Front: 20 feet Rear: 30 feet Side: 30 feet SRA: 30 feet, all sides	Front (west): > 1,110 feet Rear (east): > 990 feet Side (north): >370 feet Side (south): 30 feet
Max. Building Height:	None specified	< 35 feet

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§314-61.1 Streamside Management Areas and Wetlands Ordinance (SMAWO)	<p>Placement of soil within Streamside Management Areas (SMAs) shall be prohibited, except where specifically authorized by the SMAWO ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>Per Humboldt County's WebGIS, there are no mapped streams. However, the Site Plan shows the 50-foot and 100-foot Streamside Management Area (SMA) buffers for a Class III intermittent and Class II ephemeral stream adjacent to the parcel's driveway off Brannan Mountain Road. A Special Permit is requested for stream channel enhancement of a Class II water course and point of diversion removal. The Class II water course is obstructed by a road prism. Flows are further reduced by the permitted POD. The road prism is causing an obstruction to the flow of surface waters and from the spring head leading downstream. The applicant intends to remove the road prism and decommission the POD thereby eliminating on-site obstructions and reductions to the flow of water, increasing overall flows. Developments will be removed from the stream channel and the channel will be re-established. Plans will be created, and work will be done in consultation with the CDFW and the SWRCB as applicable. All cultivation areas and associated structures are outside of the SMA buffers. Water is sourced from a diversion on the Class II. A Final LSAA (Attachment 4) was obtained for upgrades to culverts and use of the diversion equipment should the applicant choose to do so in the future as well as appropriative water rights (Attachment 4) from the State Water Resource Control Board Division of Water Rights.</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</p>	4 spaces

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.8.2 Timber Conversion	Commercial cannabis cultivation is allowed on parcels zoned TPZ, on a parcel 5 acres or larger. 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.	A detailed review of aerial imagery shows that no conversion has taken place since 2004, based on Google Earth imagery. An approximately half-acre (0.5 acres) timber conversion is proposed for the installation of a 200,000-gallon rainwater catchment pond. Prior to installation of the pond the project has been conditioned to obtain and submit a less-than-3-acre conversion exemption and to submit a Timber Restocking plan to be implemented on three historic log landings totaling 0.56 acres in area. The restocking plan will describe methods, the species that will be planted and a monitoring plan. The plan shall be implemented and monitored over the course of 3-5 years and achieve a 70% success rate.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district U on parcels one acre or larger, but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.	The applicant has provided evidence of the existing outdoor cultivation areas prior to January 1, 2016 to the County which was confirmed by staff through the Cultivation Area Verification (CAV) process for issuance of an interim permit for 7,210 SF. The proposed action is a Special Permit for the operation of an 8,482 SF outdoor cannabis cultivation site on property zoned TPZ. The CAV amount was based on approximate polygon measurements made on October 3, 2019 using August 2012 aerial imagery available on Google Earth. Google Earth aerial imagery indicates that existing cultivation operations on the property began in 2012 or earlier. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant applied for one (1) and they are entitled to four (4). This application is for a single permit for cultivation.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All cannabis cultivated on-site will be bucked and dried on-site in an existing ag-exempt structure. Processing including mechanical manicuring and bulk packaging is done off-site. A two-story, 640-square-foot commercial processing building was proposed. Due to zoning and potential habitat for the Northern Spotted Owl (NSO), the staff recommendation includes the off-site processing and no construction of the processing facility. Off-site processing will reduce overall impacts of the proposed project on sensitive species. The applicant was made aware of staff's recommendation in March 2020 and is willing to comply with the requirement to process off-site.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form was filed with the Planning Division on August 15, 2016.
§314-55.4.10 Application Requirements	Identifies the information required for all applications.	Attachment 4 identifies the information submitted with the application. Contents of the application not included in Attachment 4 are on file. All outstanding items are included as conditions of approval.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.11 Performance Standards	Identifies the performance standards for cannabis cultivation activities.	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the time frame of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Water for irrigation is provided by a permitted surface water diversion (Right to Divert and Use Water, Certificate H100388) as well as rainwater catchment from an existing structure. A 200,000-gallon rainwater catchment pond is proposed. The appropriative water right allows up to 0.18 acre-feet (58,653-gallons) to be diverted per year. Storage capacity shall not exceed 0.23 acre-feet (74,946-gallons) can be stored for later use. A Special Permit is requested for the decommissioning of the point of diversion and stream channel enhancement. Existing available water storage is 28,750-gallons in five (16) hard tanks and 200,000-gallons of water storage in a proposed pond for a total of 228,750 gallons once the site is fully developed. Estimated annual water usage is 182,847-gallons (13.1 gal/SF based upon three annual light-deprivation cycles and one full sun cycle). The amount of water storage needed to comply with the forbearance period based on applicant's monthly water use schedule is 173,830 gallons. Conditions of approval state that in the event that the pond is not developed within two years of project approval, the applicant must develop alternative storage methods sufficient to comply with the forbearance requirements of the project and/or reduce cultivation area and or cycles to reduce water use to the amount stored on-site. Also, a Final Streambed Alteration Agreement (LSAA 1600-2016-0228-R1) with the California Department of Fish and Wildlife (CDFW) was obtained in August 2016 allowing no diversions can occur between May 15 and October 15 annually and the instantaneous rate of diversion shall not exceed 15% of the total flow at any time.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.11.d Performance Standards – Setbacks	The area of cannabis cultivation and on-site processing 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, public park, or tribal cultural resources.	There are no tribal lands, schools, school bus stops, public lands, parks or places of religious worship within 600-feet of the nearest cultivation area as shown on the site plan and County GIS. On November 26, 2019, a survey report was submitted to the County. It indicated that the property line was 30' feet south of the southern-most cultivation area. This indicates that the project is compliant with SRA setbacks.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.11.o Performance Standards – Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible to 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 US Fish and Wildlife Service.	The subject parcel is located in an area that requires special noise attenuation measures to protect adjacent Northern Spotted Owl (NSO) habitat. Three (3) small generators are used to power the site. The combination of background, generator (s) and greenhouse fans or other operational equipment created noise was not assessed to ensure it meets the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements that require noise levels be at or below 50 dB at 100 feet or edge of habitat. As a result, the project is conditioned to ensure the combined noise levels meets the 50-dB threshold and conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service. Should construction of additional noise containment structures be necessary to obtain compliance, the project is also conditioned to obtain a building permit. The on-site generators are a Honda 2200 which operates at 48-57 dBA, a Honda 7000 which operates at 52-58 dBA and Onan propane generator which is sound attenuated in a shed.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 15, 2016.

2. **Public Health, Safety and Welfare.** The following table documents the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The project does not involve residential development. However, the project site contains a single-family residence which will remain and will not preclude any future residential development if consistent with the General Plan and Zoning regulations. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, construction of a 200,000-gallon rainwater catchment pond, a 2-story processing building and relocation of cannabis to an environmentally superior location on the subject parcel to allow for restocking of timber and establishment of a historic stream channel. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

**APN 522-044-039; 3400 Brannan Mountain Road, Willow Creek
County of Humboldt**

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

March 2020

Background

Modified Project Description and Project History –

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

The modified project involves a Special Permit for an existing 8,482 square foot (SF) cannabis cultivation operation of which 8,482 SF is full-sun outdoor in three (3) adjacent full sun areas totaling 5,731 SF and in three (3) light deprivation greenhouses totaling 2,751. Ancillary propagation occurs in a 1,053 SF outdoor clone staging area and a 219 SF outdoor clone staging area. Irrigation water is sourced from a permitted point of diversion. Existing available water storage is 28,750 gallons in eleven (11) hard tanks and a 200,000-gallon pond is proposed for a total of 228,750 gallons. Estimated annual water usage is 182,847 gallons (16.5 gal/SF). All processing is done at a licensed off-site facility. A 640 SF two story on-site processing structure is proposed. Staff does not support the development of on-site processing as proposed, since the site is zoned Timber Production and new development with a nexus to cannabis is not allowed. Up to four(4) employees may be utilized during peak operations. Power is provided by two Honda generators and one propane generator.

The project site consists of variable topography with slopes from less than 15% to 50%. Cultivation areas are located on slopes less than 25%. The majority of the parcel is forested, with an eastern aspect. The CDFW resource map does not identify any threatened or endangered species on the subject parcel. The nearest Northern Spotted Owl sighting is approximately 0.84 miles to the southwest and approximately 1.65 miles northeast (north-side of Brannan Mtn. Rd.) to the nearest Activity Center. The nearest mapped Marbled Murrelet habitat is located 2.3 miles to the south. The parcel is situated above Willow Creek. There are no mapped Streamside Management Areas (SMAs) but, according to the Site Management Plan (SMP), there are several one Class III and Class II watercourses on the subject parcel that are tributaries to Brannan Creek. All cultivation-related development is more than 100 feet from the watercourses. The applicant is proposing to restock 0.51 acres on the subject parcel to replace trees that are proposed for removal after January 1, 2016 (see *Proposed Timberland Conversion for APN 522-044-039* in Attachment 4). Replanting 0.56 acres of timber will ensure the site condition is the same or better than the baseline condition evaluated by the MND.

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 impacts of existing cultivation. These include restocking 0.56 acres with timber that is proposed to be converted after the CEQA baseline was established to remediate for loss of wildlife habitat, ensuring security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if

some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 8,482 square feet of cultivation with ancillary nursery and drying activities 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. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents, listed completely on Attachment 4:

- Site Plan prepared by Timberland Resource Consultants dated 11/1/2019 and received 11/26/2019.
- Cultivation, Operations and Security Plan prepared for Barn Cat Farm, LLC (no date) and Addendum to Cultivation Operations Plan received 11/26/19.
- Right to Divert and Use Water, Certificate H100388 with the State Water Resources Control Board, Division of Water Rights.
- Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants dated 4/19/2016 for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Site Management Plan (SMP) (WDID-1_12CC403794) prepared by Timberland Resource Consultants, dated 9/27/19 for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).

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 one-quarter mile (1,320 feet) 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. (Site Plan prepared by Timberland Resource Consultants – 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; 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. (Right to Divert and Use Water, Certificate H100388 – Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – see Cultivation Operations Plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting, and Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants and dated 4/19/2016 – On file and superseded by Site Management Plan (SMP) (WDID-1_12CC403794) – **Attached Separately - 4A.** Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ – Attached)
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 California Department of Fish and Wildlife. (**Attached Separately - 4B** – Final Lake and Streambed Alteration Agreement dated 8/25/16 Notification No. 1600-2016-0228-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 (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Proposed Timber Conversion letter from Register Professional Forester - Attached)
11. Consent for on-site 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. Engineer's Road Evaluation Report for Brannan French Camp Road and Addendum, prepared by Pacific Watershed Associates, dated June 2018. **(Attached Separately - 4C)**
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
17. Onsite Wastewater Treatment System Design Report prepared by Trinity Valley Consulting Engineers, Inc. dated January 2018. (On file)
18. Two-Story Building Plans for proposed Processing Facility prepared by Trinity Valley Consulting Engineers, Inc. dated November 2019. (Attached)
19. Grading & Erosion Control Plan prepared by Trinity Valley Consulting Engineers Inc. dated May 2018 and received 9/18/19. **(Attached Separately - 4D)**
20. Justification for Onsite Relocation prepared by Timberland Resource Consultants dated 11/18/19. (Attached)

21. Surveyor Setback Site Plan for cultivation area near property line prepared by Ed Gorge Jr., Professional Land Surveyor, dated 11/19/19. (Attached)

BARN CAT FARM, LLC
Application No. 11893; APN 522-044-039; Case No. SP16-340



ADDENDUM TO CULTIVATION OPERATIONS PLAN

1. Drying/Processing Activities. Applicant has proposed to construct a 16'x 20' processing facility on site. Drying and storage will be conducted in the 25'x 30' barn facility shown on the site plan. Upon properly drying and curing in the barn facility, dried cannabis will be bucked and moved to the processing facility for trimming. Trimming will be conducted via machine trimming or hand and will require a maximum of four (4) employees.

The processing facility will be equipped with toilet facilities serviced by the proposed septic system submitted herewith. The proposed processing building will be constructed to commercial building code standards and the restrooms and access will be compliant with ADA requirements. Water will be sourced primarily from the rain catchment facility and supplemented as needed from the spring covered by the small irrigation use registration.

Applicant will implement the following safety practices as part of the processing plan: 1) functioning safety equipment, including masks, gloves, and respiratory equipment, will be provided to employees in good and operable condition; 2) sanitized protective overcoats will be provided to prevent cross contamination and skin irritation; 3) poison control and emergency service contacts will be posted in processing areas; 4) safety signage will be posted and spill prevention policies will be developed; 5) safety training on proper use of equipment; and 6) development and implementation of a workplace health and safety survey.

Harvested plants are air dried upon harvest. Humidity, temperature and air flow will be monitored and regulated to ensure proper conditions for curing. Cut flower will be de-leafed and inspected for mold and brought to the drying facility. Flowers will remain on stalk and hung for approximately 7-14 days. Moisture content will be monitored to ensure safe moisture content before being transferred to processing facility. Flower is bucked, placed in bins, and moved to the processing facility to be polished and continue curing.

Processing will be done by machine. Applicant may finish trim by hand, but only after bulk processing is done by machine process.

2. Water Tanks. As shown on the site plan, applicant has a total of eleven hard storage tanks dedicated to irrigation use with a total volume of 28,750 gallons. Additionally, applicant is in the process of constructing a 200,000-gallon pond for irrigation use. To service domestic needs on the parcel, applicant has four hard storage tanks totaling 6,700 gallons of water storage capacity. For fire protection, applicant has one dedicated hard storage tank with a total volume of 2,500 gallons.

3. Monthly Water Usage. In applicant's revised SMP, Timberland Resource Consultants projected applicant's total water usage based on a 7,210 sq. ft. cultivation area to be 156,000 gallons annually, or approximately 22 gallons per square foot annually. Extrapolated to the

agreed upon pre-existing cultivation area of 8,482 sq. ft., applicant's projected annual irrigation need is approximately 182,847 gallons. This number incorporates irrigation needs for ancillary propagation as well. Based on applicant's cultivation cycle, applicant's irrigation season is between May and September. Based on the prior recorded water usage in applicant's 2017 Monitoring and Reporting form submitted to the Regional Water Quality Control Board, applicant's approximate projected monthly water usage based on the updated square footage amount is as follows:

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Use (Gallons)	0	0-300*	0-300*	0-300*	18,035	25,752	51,504	51,504	36,052	0	0	0
												Total: 182,847 Gallons (Approx.)

*If seeds are hatched minimal water usage up to 300 gallons. If seeds are hatched, total water usage may increase to 183,747 gallons annually.

Total storage capacity, including the proposed pond, is approximately 237,000 gallons. This is an excess of 55,000 gallons of water storage and should be sufficient to provide for applicant's cultivation needs throughout the forbearance period. Water usage varies with mean summer temperature and the above projection is based on needs for a typical hot summer season.

4. Cultivation Activities. As shown on the site plan, there are three light deprivation hoop houses totaling 2,751 sq. ft. of cultivation area. Total full sun cultivation is 5,731 sq. ft. of cultivation. The outdoor cultivation is in an irregular shape, but dimensions for these areas are as shown on the site plan. The number of cultivation cycles anticipated for the light deprivation hoop houses is 1-2. There is no supplemental lighting used in the light deprivation cultivation.

Applicant is proposing a propagation area of 1,272 sq. ft. Please see the attached Exhibit A providing compelling evidence to justify the proposed propagation area.

5. Generator Use and Schedule. Generators are utilized in the cultivation operation to power fans for air circulation (fans). Generators are used infrequently from mid-August to beginning of September, then again at the end of September until the end of October. In mid-August, a Honda 2000 generator is utilized to power fans. During September/October, a larger propane generator is used to power fans and dehumidifiers as the bulk of the harvest is drying. In August, total generator hours are a maximum of 35. In September/October, total generator hours are a maximum of 888.

EXHIBIT A

EVIDENCE OF NEED FOR INCREASED PROPAGATION AREA

Planning Department Policy only allows up to 10% of the cultivation area to be ancillary propagation area that is not included in the cannabis excise tax. Proposals for areas greater than 10% of the cultivation area must be reduced unless compelling evidence is submitted that can justify a larger propagation area.

The cultivation operation pursuant to Application No. 11893 utilizes ancillary propagation from mid-February until mid-August. Plants and cuttings are ordered to arrive at the farm no later than mid-May, coinciding with sunlight being 14+ hours. If/when seedlings are being used, they are hatched and planted mid-February. These dates are selected so that no artificial lighting is needed or used.

Ancillary areas are raw un-vegetated land used for different purposes that include rearing seedlings; spatially separating male and female plants; and cutting and rearing clones. Vegetative stock is kept in these areas to replace plant die off in full sun gardens; to replant hoop houses in August; and replace plant die off in hoop plants in June.

Typical plant die off is at a rate of 1 out of every 10 plants. This equates to having 50-100 plants on hand as replacement stock for die off plants. This range is strain dependent. If higher yield strains are planted less replacement stock will be needed; if lower yield strains are planted, then more replacement stock will be needed.

For instance, last season, 673 replacement plants were needed for hoop replanting in August. Die off last season required replacement stock of an additional 77 plants, for a total of 750 plants as ancillary to the cultivation for hoop replanting alone.

Purchasing nursery stock results in shocked and weak plants due to cramped indoor cultivation techniques of commercial nurseries. Those plants that are shocked and weak often do not survive the first few weeks of outdoor planting. Pest contamination of nursery plants occur frequently and are treated using horticultural oils that can increase die off rate. It is difficult to predict which nursery plants will die resulting from this treatment. Plant die off may also result from soil pathogens, weak genetics, and/or overwatering. As stated above, plant die off rate is 1 out of every 10 plants

Additional ancillary space for replacement stock is necessary to maximize space between plants for sufficient airflow. Airflow is important in mitigating disease contamination between plants and preventing pest outbreak among the nursery stock. Approximately 20-30 inches of space is necessary to mitigate pest contamination between plants.

Once rooted, these plants are planted in seven-gallon pots that can be arranged to maximize chances of survival. Seven-gallon pots decrease the chance of plant fatigue and root bound and decrease the amount of water to keep them hydrated during hot summer months. Air circulation between plants foster a reduction in relative humidity which inhibits the activity of most fungi

and bacteria. Foliar spray applications are also more effective when plants are spread apart. Effective foliar application requires the treatment application to the entire plant body. Proper spacing ensures full plant coverage of foliar sprays. Cramped nursery space is a breeding ground for pests and mitigation is futile.

The area depicted on the proposed site plan would promote a healthy garden and would be ideal for the size of the allowed square footage.

The area would provide the area needed for proper airflow to minimize pest contamination, while allowing enough space to accommodate effective watering, preening, inspecting, spraying and tending.

Based on the above, I would respectfully request that you consider allowing 15% of the cultivation space be allocated to ancillary propagation. Less space could compromise the success of my operation and lead to unnecessary pest contamination of what would be otherwise healthy cannabis plants.

BARN CAT FARM, LLC

CULTIVATION, OPERATIONS, AND SECURITY PLAN

OPERATIONS PLAN

1. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage

WATER SOURCE AND STORAGE: The primary sources of irrigation is a rainwater catchment built on the barn/storage shed, as well as a diversion from a Class II spring. The point of diversion is shown on the attached plot plan. Applicant has submitted a proposed Lake and Streambed Alteration Agreement ("LSAA") the California Department of Fish and Wildlife ("CDFW").

Applicant proposes to construct a rainwater catchment pond that will hold approximately 350,000 gallons of rainwater. Plans are currently being drafted for implementation.

Presently, Applicant has three 5,000-gallon tanks, five 2,500-gallon tanks, two 1,250-gallon tanks, two 500-gallon tank, one 275-gallon tank, and one 150-gallon tank totaling 17,925 gallons where surface water is stored prior to irrigating. In addition, Applicant has a 2,280-sq. ft. rain catchment system. Applicant will continue to add storage as necessary to meet forbearance as determined by CDFW, including possible permitting/engineering of two 50,000-gallon storage tanks with their own rooftop rainwater catchments.

IRRIGATION PLAN: Irrigation water is applied at agronomic rates via a drip system to minimize over watering cannabis plants and reducing the risk of irrigation runoff. All cultivation sites are plumbed with PVC piping and each site has its own water-control spigot that is manually operated and attended to daily. Irrigation is done in the mornings to minimize evaporation. Irrigation piping is equipped with safety valves in case of leakage. Plants will receive additional hand- watering as needed. Applicant also applies alfalfa as mulch to areas of cultivation that lack sufficient groundcover. Use of alfalfa as a mulch greatly increases moisture retention and minimizes evaporation. Watering is also done in the early morning hours or evening to maximize moisture retention and reduce evaporation.

All surface water diversion shall be documented using a water meter or device and date-stamped photographs of water meter readings. During periods of low flow, the size and scale of the operation shall be assessed to take into consideration available water sources and other water use and users in Applicant's watershed.

Applicant has signed up for a monitoring program with Timberland Resource Consultants by which Timberland will conduct site visits to monitor water usage, health of point diversion, etc.

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Applicant will implement recommendations from Timberland to improve water usage on an as needed basis.

PROJECTED WATER USAGE: Applicant will be cultivating approximately 7210 sq. ft. of outdoor, cannabis pursuant to a special permit. Based on California Department of Fish and Wildlife estimates for cannabis irrigation needs, a growing period of approximately 153 days, and Applicant watering an average of every other day, Applicant estimates using 77219 gallons of water (1009 gal/day x 76.50 days)).

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

2. Description of Site Drainage, including Runoff and Erosion Control Measures

SITE DRAINAGE: There is one Class II watercourse and one Class III watercourse on the property. There is a total of five water crossings on the property. Per Applicant's WRPP, two crossings will replace existing undersized or non-functioning culverts, two will be new culvert installations, and the fifth will be a rock ford crossing.

- a. **Culvert #1.** An undersized 12-inch culvert set to grade just below the head of the Class III watercourse will require an upgrade to a minimum 18-inch culvert set to grade.
- b. **Culvert #2.** A current functioning 18-inch culvert with a damaged outlet on a Class II watercourse will require an upgrade to a minimum 30-inch culvert set to grade.
- c. **Culvert #3.** A current Class III watercourse running across a landing on the property requires a, 18-in. minimum culvert that is 80 to 100 feet long and set to grade.
- d. **Culvert #4.** The Class III watercourse needs to be piped into the native channel it once flowed in. A minimum 30-inch culvert will be set to grade connecting the current flow pattern of the Class III with the native channel.
- e. **Rock Ford Crossing.** The Class II watercourse intercepts a seasonal dirt road and downslope of the road delivers into a channel. This is the point of diversion and Applicant would like to keep using this road seasonally. A rock ford crossing will be installed to mitigate impact on this watercourse.

These measures are intended to promote drainage of the streams located on the property and to minimize erosion and sediment transport into receiving waters. Applicant is consulting with Timberland Resource Consultants and has already begun the recommended work, and anticipates completion by mid-summer. Applicant will continue to consult with implement

recommendations from Timberland Resource Consultants to improve site drainage on an as needed basis.

EROSION CONTROL MEASURES: All roads on the property are in good condition except for the seasonal road mentioned herein above. Applicant rocked all road surfaces to prevent erosion. Road have adequate drainage to minimize impacts on the road surface. There are no unstable areas within the property. The permanent culvert upgrades have been sized for 100-year flood flows to minimize erosion. Applicant will consult with and implement recommendations from Timberland Resource Consultants to improve erosion control measures on an as-needed basis.

RUNOFF CONTROL MEASURES: There is no runoff from Applicant's cultivation activities. Applicant uses drip irrigation, waters at agronomic rates, uses timers to avoid overwatering, and maintains vegetation around cultivation areas and riparian areas to minimize runoff and sediment transportation. Cultivation sites are semi-developed locations with the nearest watercourse being over 500-feet away, with a ridge separating the cultivation sites from the nearest watercourse. The cultivation sites are hydrologically disconnected from any watercourse.

Application cultivates outdoors and there is no concentrated storm water runoff from the cultivation areas. Applicant will reseed and revegetate any exposed soils around the cultivation areas that may be subject to transport of sediment to receiving waters. Applicant will consult with and implement recommendations from Timberland Resource Consultants to improve runoff control measures on an as-needed basis.

3. Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat

PROTECTION OF WATERSHED AND HABITAT: The cultivation area is located no closer than 400 feet from a watercourse. The buffer zone consists of dense second growth Douglas fir, Jeffrey pine, and Tanoak. Understory vegetation is dominated by evergreen huckleberry, manzanita, and assorted graminoids. Applicant's surface diversion is appropriately screened to minimize harm to organisms within habitat and riparian zones. Applicant is currently compliant with standard conditions. Applicant will consult with and implement recommendations from Timberland Resource Consultants to improve protection of watershed and habitat on an as-needed basis.

CULTIVATION RELATED WASTE PROTOCOLS: Applicant has implemented measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bins to prevent nutrient transport and will be reused as part of Applicant's soils management plan, with some organic cultivation waste being disposed of by burning. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in native soils and using bio-amendments (cover crops) to re-amend soils, resulting in zero soil waste on site. All other associated waste will be placed in garbage cans with

lids and placed on concrete surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will determine frequency of disposal to the Hoopa Valley Transfer Station to prevent rodent infestation and other nuisances on the property. This will likely be done monthly during the growing season.

REFUSE DISPOSAL: Applicant generates very little non-organic waste but said waste shall be stored in trash containers which are stored in agricultural shed, as seen on the site plan. The shed has wind and side protection and a non-permeable floor surface. Refuse will be disposed of a monthly basis at the Hoopa Valley Transfer Station. to prevent a nuisance condition.

HUMAN WASTE: The site generates little human refuse with the refuse that is generated being trucked off-site to the Hoopa Valley Transfer Station. Applicant does not anticipate having any employees.

There is an on-site portable toilet located a sufficient distance from the cultivation area so as to not pose a threat to surface or ground water quality or create a nuisance. The toilet is serviced on a regular basis and has a posted service schedule. Should Applicant hire employees, Applicant will provide ADA-compliant portable toilets and wash facilities.

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

PESTICIDES: Pesticides are OMRI certified organic and are stored in an on-site agricultural shed equipped with a non-permeable floor liner to prevent leaching of pesticides into groundwater or transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or receiving surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

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

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

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

FERTILIZERS: Fertilizers will be stored in the on-site agricultural shed which is equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

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

SOIL AMENDMENTS: Soil spoils are contained in the cultivation sites within their respective beds. Applicant plants directly into the soil and the soil is amended directly using soluble and liquid amendments. Soil amendments are stored in their original containers with original labeling intact, are kept in secondary containment totes to further minimize spills being transported to receiving surface waters or groundwater. Amendments are applied pursuant to manufacturer recommended rates or less. Amended soil is adequately contained within the cultivation sites. Applicant is currently compliant with standard conditions.

PETROLEUM PRODUCTS AND STORAGE: There is a generator on-site that is powered by propane fuel. The propane fuel is contained within a 500-gallon storage tank leased from Campora Propane Services. The stated output for the generator is 68 decibels, stored inside the barn area so that the sound outside the generator is muffled to below 60 decibels as measured outside the barn in compliance with Humboldt County Code Section 314-55.4.11.

CULTIVATION ACTIVITIES (e.g. Outdoor, Indoor, Mixed Light)

CULTIVATION ACTIVITIES: Applicant is proposing to permit an existing outdoor cultivation site with cultivation area of approximately 7210 sq. ft. Applicant will be applying for a Special Clearance Certificate for the above referenced activity. Applicant will irrigate cultivation from a surface water diversion pursuant to agreement with DFW. There will be no generator use in the cultivation activities. Applicant will be cultivating directly in native soils and applies mulch to areas of cultivation that lack sufficient groundcover to minimize evaporation and promote soil moisture retention. Cover crops will be planted at the end of the year to promote soil regeneration.

Applicant does not anticipate hiring any employees for cultivation activities.

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

Applicant's proposed hours of operation shall be between 8:00 a.m. and 6:00 p.m., Monday through Saturday. There will be no added road traffic to the site.

5. Schedule of Activities During Each Month of the Growing and Harvesting Season

Applicant posts all safety standard and operations procedures in the cultivation areas. Cultivation activity is charted and calendared and posted in all cultivation areas.

January, February, March

- No cultivation or processing activities

April

- Prepare irrigation system and infrastructure for planting. Repair irrigation lines as needed
- Till/amend soil beds

May

- Mend fences, repair irrigation lines as necessary
- Continue site preparation, including tilling/amending soil beds
- Begin initial plantings
- Begin Preventative Pest Management (PPM) applications of OMRI certified organic pesticide sprays (rotated and applied weekly), including Monterey BT, Neem Einstein Oil, Pest Out (horticulture oil), and Safer Soap
- Water every other day
- Approximate Generator Use: 5-7 hours/day

June

- Continue initial planting
- Care and maintenance of established plants, including daily watering, weekly feeding
- Work on plant structure and support with bamboo and caging
- Continue PPM
- Water every other day
- Approximate Generator Use: 5-7 hours/day

July

- Harvest, dry and process first crop (weather typically allows for little to no generator use)
- Continue care and maintenance of established plants, including daily watering and weekly feeding, and revision of support structure (bamboo, cages) as necessary
- Continue PPM
- Plant second crop
- Water every other day
- Approximate Generator Use: 5-7 hours/day

August

- Continue care and maintenance of established plants, including daily watering and weekly feeding
- Cease use of PPM applications
- Water every other day
- Approximate Generator Use: 5-7 hours/day

September

- Continue care and maintenance of established plants, including daily watering and revision of support structures as necessary
- Begin “flush” (use of water only) and cease feeding plants
- Water every other day
- Approximate Generator Use: 5-7 hours/day

October

- Harvest, dry, and process final crop (generator is generally used due to time of year)
- Begin cultivation site clean-up., including removal of support structures and T-posts
- Removal all plant materials from cultivation site for burning
- Plant cover crop
- Water every other day
- Approximate Generator Use: 4 hours/day

November

- Plant cover crop
- Finish processing final crop
- Finish cultivation site and process facility clean up
- Approximate Generator Use: 4 hours/day

December

- No cultivation or processing-related activities at this time
- Cover crop established
- Cleanup/Winterize cultivation site

PROCESSING PLAN AND ACTIVITIES

PLAN: Processing will take place on-site in the building labeled “Ag Building” on the site plan. The processing facility will meet commercial food grade handling standards. It will be equipped with portable, ADA compliant restrooms and handwashing facilities, as well as supplies for cleanliness and sanitation. Hand sanitizing liquid, gloves, potable water, and face masks shall be available. Potable water will be supplied from the spring source located on the property and stored in a 275-gallon water tank.

Applicant’s manager will be the sole person conducting all processing on site using a machine to process harvested product.

Processing will occur in the processing facility, as labeled on the site plan (see “building built 1990” on site plan). The dry rooms and processing facilities will be sanitized after every use using organic cleaning products to prevent mold growth and other contaminants. A daily cleaning routine for all work rooms and surface areas will be prepared and carried out by the applicant’s manager. The manager processing the product will be required to wash her hands prior to handling the product and after using the restroom. Sanitary equipment and products such as hand sanitizing liquids, paper towels, gloves, water and face masks will be provided on-site and kept in good and operable condition. Emergency contact numbers will be posted in working areas, including local poison control center.

Applicant will implement the following safety practices as a part of the processing plan: 1) functioning safety equipment, including masks, gloves, and respiratory equipment will be provided to employees in good and operable condition; 2) sanitized protective overcoats will be provided to prevent cross contamination and skin irritation; 3) poison control and emergency services contacts will be posted in processing areas; 4) safety signage will be posted and spillage prevention policies will be developed; 5) safety training on proper use of trimming equipment; and 6) development and implementation of a workplace health and safety survey.

PROCESSING ACTIVITIES: During harvest months, the climate is warm and dry. Therefore, harvested plants can be air-dried. Humidity and temperature will be monitored to ensure proper conditions for curing. Cut flowers will be de-leafed and inspected for mold and then brought to the dry room. Flowers will remain on stalk and hung on screen racks for approximately 4-7 days. The dry room is thermostatically controlled to regulate temperature and humidity levels.

The Applicant will use a moisture meter to determine dryness. If the moisture content is below 15%, mold development is prevented. Upon reaching sufficiently safe moisture content, flowers

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will be bucked, placed into sealed plastic bins, and moved into the curing room. The cure room is also thermostatically controlled to regulate temperature and humidity and to ensure an even, slow cure. Bins will be regularly opened and closed to enhance flavor and aroma and to ensure a fully dried product for packaging and storage in the cultivation facility.

Flowers will then be bagged, barreled, and moved to storage rooms where they will remain until ready to be trimmed. Flowers will be hand-trimmed and finished. They will be separated and packaged in one-pound increments, bagged, sealed, and moved back into storage for transport.

SECURITY FEATURES

In addition to one gate on the sole entrance road, the cultivation site has natural boundaries such as boulders, trees, and topographic contours that prevent any vehicle access to the property. Applicant maintains fencing around the cultivate site and uses a keyed lock on the gate, and only Applicant and the site manager will have access to the keys.

Restricted areas are maintained for the cultivation site, processing, and where any cash may be stored, and will be clearly designated and locked at all times. Only personnel authorized by Applicant will be allowed access to restricted areas.

To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon the implementation of those programs at the state and local level.

SOIL AMENDMENTS

Product Used:

**Amount Store On-Site:

APRIL/MAY

Feather Meal	7 50-lb bags
Gypsum	5 5-lb bags
Sulfate of Potash	1 50-lb bag
Epson Mineral Salt	1 50-lb bag
Glacial Rock Dust	1 50-lb bag
Rice Hulls	25 2-cubic ft bags
Chicken Manure	55 1.5 cf bags

JUNE/JULY

Alfalfa Mulch	As Needed
Peat Mulch	As Needed
Seabird Guano Pellets	1 50-lb bag
Plus C	2 gallons/week
Zymobact	As Needed Weekly
Dr. Earth Grow	1 50-lb bag/2 weeks
Dr. Earth Bloom	30 lbs/week (July only)

AUGUST

Seabird Guano	50 lbs/week
Bat Guano Powder	40 lbs/week
Plus C	2 gallons/week
Zymobact	As Needed Weekly
Dr. Earth Bloom	60 lbs/week

** Approximately 1-2 weeks' worth of fertilizer is kept on-site. All fertilizers and pest control products are stored in the agriculture building until time of application



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H503678

CERTIFICATE H100388

Right Holder: *James Hay*
PO Box 1526
Willow Creek, CA 95573

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 10/18/2018. 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)
Primary POD	Anton Creek	Willow Creek	Brannan Creek	40.940379	-123.677505	Humboldt	522-044-042

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	Humboldt	522-044-048	0.1147842

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 01/02/2019.

The place of use is shown on the map filed on 01/02/2019 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 0.18 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, whichever is more restrictive. The total storage capacity shall not exceed 0.23 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, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://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 lawful 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 and the State Water Board's Cannabis 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: 01/02/2019 09:13:15

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State Water Resources Control Board
DIVISION OF WATER RIGHTS

Supplemental Statement for Change in
Diverter Name, Address or Responsible Party

A Supplemental Statement must be filed if there is a change in the name or address of the person diverting water.
(Wat. Code, § 5104, subd. (b).)

SUBMIT FORM BY EMAIL, POSTAL MAIL, OR FAX

Phone: (916) 341-5300 Fax: (916) 341-5400

P.O. Box 2000, Sacramento, CA 95812

changerequest@waterboards.ca.gov



1. Current Diverter Information

This is a Change of (Select all that apply): ☒ Diverter ☐ Diverter Address ☐ Responsible Party (Agent)

Enter the Statement number(s) (e.g. S123456)
Separate multiple ID's with Commas:

5025508, H503678

Assessor's Parcel Number(s) (APN) associated with the place of diversion:

522-044-042

Diverter Name:

First

Middle

Last

James

Hay

Mailing Address

PO BOX 1526

City

Willow Creek

State

CA

Zip

95573

Phone Number

707-845-7461

Email Address (if available):

N/A

Person Filing Statement, if different from Diverter

First

Middle

Last

Stephanie

I.

Bowler

Mailing Address

165 S. Fortuna

City

Fortuna

State

CA

Zip:

95540

Phone Number:

707-725-1897

Email Address (if available):

sbowler@timberlandresource.com

Official Mail Receiver:



Diverter



Responsible Party

2. New Diverter/Responsible Party Information

New Diverter Name (if applicable):

Tara Fulgenzi

Date Upon Which Change in Name or Address Became Effective:

Sept. 18, 2019

New Diverter Mailing Address (if applicable)

PO BOX 1217

City

Willow Creek

State

CA

Zip

95573

Phone Number:

808-634-4382

Email Address (if available):

mermaidiva@aol.com

New Responsible Party/Agent Mailing Address (if applicable)

City

State

Zip

Phone Number

Email Address (if available):

Use the space below for any additional comments:

Previous diverter was James Hay & new diverter is Tara Fulgenzi.
The agent filling is Stephanie Bowler.

Signature:

Stephanie Bowler

Printed Name:

Stephanie Bowler

Date:

9/18/19

YOU ARE REQUIRED TO FILE AN ANNUAL SUPPLEMENTAL STATEMENT REPORTING YOUR WATER DIVERSION AND USE. (Wat. Code, § 5104, subd. (a).)

THIS FORM ONLY SATISFIES THE REQUIREMENT THAT THE BOARD BE NOTIFIED OF A CHANGE IN THE NAME OR ADDRESS OF THE DIVERTER. (Wat. Code, § 5104, subd. (b).)



North Coast Regional Water Quality Control Board

August 30, 2018

WDID:1_12CC403794

BARN CAT FARM LLC
ATTN: TARA FULGENZI
PO BOX 1217
WILLOW CREEK, CA 95573



Subject: Notice of Applicability - Waste Discharge Requirements Water
Quality Order WQ-2017-0023-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

2018.08.30 11:57:22 PDT

On Behalf Of

Water Boards

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

180821_2H_1_12CC403794_1B16420CHUM_Barn Cat Farm LLC_NQA_TW

DAVID M. NOREN, CHAIR : MATTHIAS ST. JOHN, EXECUTIVE OFFICER
5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast



NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, TARA FULGENZI, HUMBOLDT COUNTY APN(s) 522-044-039-000

Barn Cat Farm LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on August 03, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC403794**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16420CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

1. FACILITY AND DISCHARGE DESCRIPTION

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is greater equal to or greater than 1 acre (43,560 square feet) some portion of the disturbed area is located within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard

provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Quality Control Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by October 31, 2018, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A Disturbed Area Stabilization Plan consistent with the requirements of General Order Provision C.1.c., and Attachment A, Section The Disturbed Area Stabilization Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. If the Discharger cannot achieve compliance by the next onset of the winter period (i.e., stabilization work will continue into the winter period or will continue the following year), the Discharger must include a time schedule and scope of work for approval by the

Regional Water Board Executive Officer and use in preparing an enforcement order. Attachment D of the General Order provides guidance on the contents of the Disturbed Area Stabilization Plan.

A Site Closure Report must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 High Risk with the current annual fee assessed at \$8,000. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Notice of Applicability
WQ 2017-0023-DWQ-R1
WDID #1_12CC403794

- 5 -

August 30, 2018

Cc: Kevin Porzio, State Water Resources Control Board, dwq.cannabis@waterboards.ca.gov
Michael Vella, California Department of Food and Agriculture, michael.vella@cdfa.ca.gov
Cheri Sanville, California Department of Fish and Wildlife, cheri.sanville@wildlife.ca.gov
Steve Werner, Humboldt County Planning Division, swerner@co.humboldt.ca.us



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

Humboldt County Planning Commission
John Ford
Director
3015 H Street,
Eureka, CA 95501

May 10, 2018

Revised 03/11/2020
Apps # 11893: Proposed Timberland Conversion

Dear Mr. Ford,

This letter is meant to convey rational for permitting a proposed Less than 3-acre Conversion of timberlands for the development of a rain catchment pond associated with this application.

Existing Conditions

The applicant, Barn Cat Farm LLC, is in the process of applying for a Special Use Permit for approximately 10,000 square feet of existing outdoor cannabis cultivation through the Humboldt County Planning Commission. The proposed project is located on APN 522-044-039, approximately 4 miles west of Willow Creek, California. This 56 acre parcel is zoned Timber Production Zone (TPZ). Soils on the parcel are composed of two different soil family associations, Skalan-Kristirn-Holland families and Clallam-Hugo-Holland families. The parcel contains both Site Class III and IV timberlands which is based on ocular assessment and reference from a nearby timber harvest plan (THP), 1-16-066HUM. Areas that meet Site Class III consists of a mosaic of species dominated by tanoak (*Notholithocarpus densiflorus*), madrone (*Arbutus menziesii*), and Douglas-fir (*Pseudotsuga menziesii*) that creates a mixed age canopy that varies in canopy closure from 50-80% with an annual herbaceous layer. Areas that likely meet Site Class IV are dominated by incense cedar (*Calocedrus decurrens*), ponderosa pine (*Pinus ponderosa*), and evergreen manzanita (*Arctostaphylos patula*). These areas are extremely rocky, have no herbaceous layer, and have a dispersed/open canopy.

Currently this project sources irrigation water from an emergent spring (groundwater seep) that is the head of an unnamed intermittent watercourse. At the spring site,

diversion infrastructure, and a road prism are present associated with the maintenance and operation of the diversion. This watercourse is a tributary to Brannan Creek which flows into Willow Creek, to Trinity River, to Klamath River, and finally into the Pacific Ocean. In years prior to 2017 the applicant used a combination of direct surface water diversion and rain catchment to irrigate crops. Direct surface diversion makes up the majority of irrigated water with rain catchment supplementing a small portion. The applicant would like to comply with local and state regulations that require surface diversions for cannabis cultivation to store water and forbear from surface diversions from April 1 – November 15 per State Water Resource Control Board regulations that will begin in 2019 (Order WQ 2017-0023-DWQ) and conditions agreed to within the applicant's 1600 Lake and Streambed Alteration Agreement (LSAA) with California Department of Fish and Wildlife (CDFW).

Considering existing regulations, economic feasibility, and environmental sustainability this project proposes a Less than 3-acre Timberland Conversion in order to develop a rain catchment pond for the project that will reduce overall anthropogenic impacts across the parcel and surrounding resources.

Timberland Conversion and Pond Construction

The 56 acre parcel was scouted by Professional Geologist (PG) Christian Figueroa and Wildlife Biologist Jack Henry for a suitable location for the rain catchment pond. The property contains four existing landings that are built into slopes too steep to support a pond structure. A relatively flat wooded area void of surface water located in the northwest corner of the property is an ideal location for a rain catchment pond. A Less than 3-acre Timberland Conversion would be required to develop this site.

The proposed conversion would convert approximately 0.5 acres of timberland at the proposed location. This is the minimum area required to develop a 200,000 gallon rain catchment pond. At the time of the most recent assessment, 04/05/2018, the approximate footprint of the proposed conversion contained: 20-30 incense cedars ranging from 4"-12" diameter at breast height (DBH), 8-10 Douglas-firs ranging from 8"-14" DBH, and 3-6 madrones ranging from 20"-48" DBH. Ground cover consists of mostly beaked hazel (*Corylus cornuta* ssp. *California*), salal (*Gualtheria shallon*), and sword fern (*Polystichum munitum*). No threatened or endangered plant species were observed. A nine quad query of the California Natural Diversity Database revealed no federally or state listed species potentially present.

The location for the proposed conversion is setback a minimum of 50' from adjacent Class III watercourses. These buffers were delineated and flagged during the most recent site visit. The nearest Class II watercourse is over 400' away. Surface water has not been observed within the proposed conversion. Trinity Valley Consulting Engineers is working with the applicant to design the engineering and grading plans for the proposed rain catchment pond. Initial figures estimate approximately 0.41 acres of disturbed area in order to cut 2,000 cubic yards and fill 1,000 cubic yards of material to construct the pond. The spillway will have a bioswale designed and installed to prevent overflow from connecting with natural watercourses or drainages.

Environmental Benefits and Mitigations

The construction and use of a properly designed rain catchment pond can significantly reduce potential environmental impacts associated with commercial agricultural practices in rural and wild settings. The applicant also proposes planting existing

landings and logging roads to offset potential timberland loss associated with the timberland conversion.

The current water use strategy implemented by the applicant has potential for negative impacts on wildlife habitat and water quality. A nine quad CNDDDB query and habitat assessment within the property reveals there is potential for southern torrent salamander (*Rhyacotriton variegatus*) and coastal tailed frog (*Ascaphus truei*) presence. Both species are listed by CDFW as Species of Special Concern. These species prefer spring fed head waters with cold persistent stream flows. Although none have been observed within the Class II watercourse it does provide potential habitat and the reduction of surface diversions, especially during low flow events, will benefit these species and their habitat. The reduction in surface diversions will also reduce potential for degradation of the watercourse by increasing the average annual low flow. Decreased low flow and increased high flow events increase channel incision and mass wasting in high gradient stream reaches. The use of a rain catchment pond will significantly reduce surface water diversions while improving wildlife habitat and water quality.

The applicant also proposes to plant approximately 0.51 acres of unforested land within the parcel to offset the timberland conversion (1:1 ratio). This will consist of planting approximately 261 trees (Site Class III = 435 trees per acre) across six different locations within the property. Four of these planting sites will reclaim existing landings and road prisms. While the other two sites consist of a small natural clearing and a steep unvegetated slope. Planted tree species will reflect those lost to conversion: tanoak, madrone, Douglas-fir, and incense cedar. Once planted these sites will be monitored for 3 years to assure at least a 70% survive.

Additionally, the new water source will reduce the risk for potential impacts to aquatic resources within property boundaries. As stated above, historically the project has sourced a majority of irrigation water from the emergent spring. If the rain catchment pond is approved and developed. Not only will the project cease diverting surface water, existing road prisms that access the spring site may be removed and the Spring and intermittent channel may be restored and enhanced. The applicant proposes, in addition to the restocking, to decommission the road surface that accesses the spring. Enhancement of this site through the planting of riparian species would be difficult to achieve. The intermittent watercourse downstream of the impacted area lacks riparian vegetation and the SMA consists of upland overstory species. The spring site currently has strong canopy cover and herbaceous plants would be difficult to establish. The decommissioning of the road and removal of disturbance (vehicle traffic) should promote the natural recruitment of shade tolerant understory vegetation and naturally enhance the site.

Although Less than 3-acre Conversions are a form of ministerial permit they have fallen under increased scrutiny in recent years especially when associated with proposed commercial cannabis cultivation projects. The applicant hopes this letter, on their behalf, is enough rational to show that the proposed timberland conversion is necessary and benefits the project more than just providing an additional water source. This proposal's goal is to minimize and mitigate environmental impacts associated with the project.

Please feel free to contact Wildlife Biologist Jack Henry at Timberland Resource Consultants with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack A. Henry", with a long horizontal flourish extending to the right.

Jack A. Henry
Wildlife Biologist
Timberland Resource Consultants
165 S. Fortuna Blvd, Fortuna Ca 95504
(707)725-1897
jhenry@timberlandresource.com

Barn Cat Farms LLC.

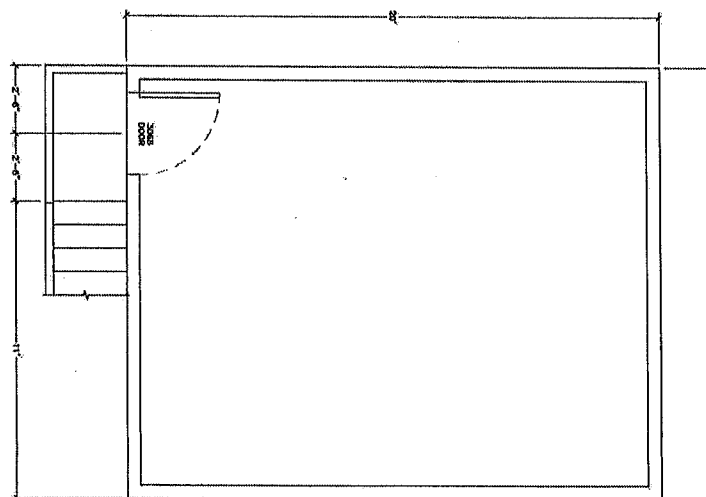
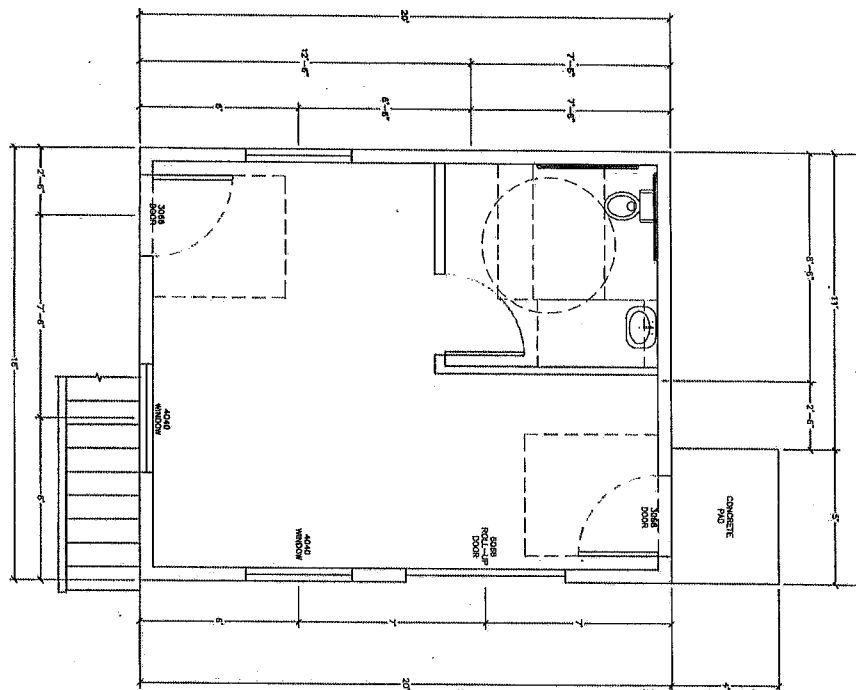
Proposed Conversion and Planting Map

- Property Boundary
- Brannan Mt. Road
- Permanent Road
- Seasonal Road
- Class II Watercourse
- Class III Watercourse
- Watercourse

Proposed Conversion

NW 1/4 of Sec 35, T7N, R4E, HB&M
Willow Creek, CA 7.5" Quad
2018 NAIP DOQ



[illegible]

RECEIVED
NOV 19
Humboldt County
Cannabis Svcs.

TRINITY VALLEY CONSULTING ENGINEERS, INC.

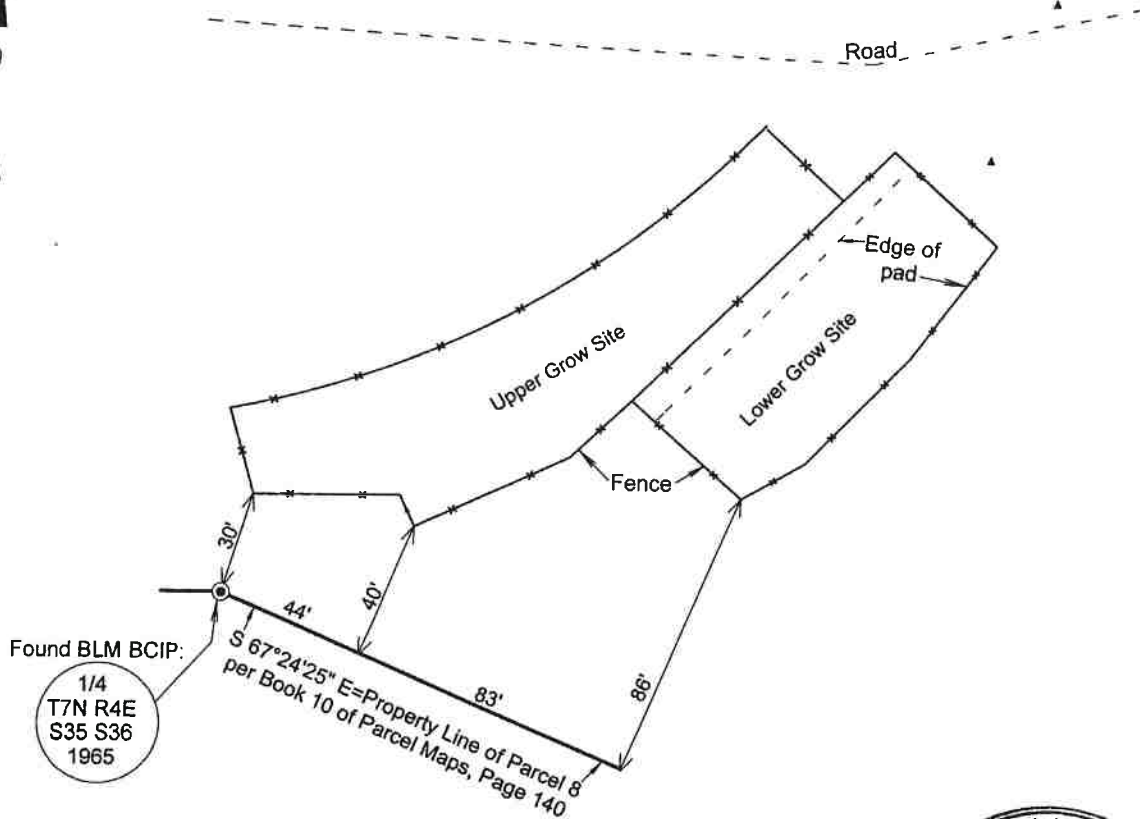
503

DATE OF ISSUE	NOVEMBER 2015	ISSUED BY: J. McKNIGHT	APPROVED BY:
SOLD	AS SHOWN	DECIDED BY: J. McKNIGHT	
PRODUCT NO.	1216		
CUSTOMER NO.			

TARA FULGENZI
APN: 522-044-039
3400 BRANNON MOUNTAIN ROAD
WILLOW CREEK, CA. 95573
**NEW GARAGE
FLOOR PLAN**
HUMBOLDT COUNTY, CALIFORNIA

[illegible]

Barncat Farm LLC: Grow Sites
APN-522-044-039
Parcel 8, 10PM140

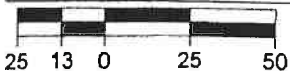


NOV 19, 2019

Applicant: Barncat Farm LLC
%: Tara Diva Fulgenzi
APN: 522-044-039
Map: Parcels 8 of 10PM141
In: Secs 35 & 36, T7N, R4E, HM,
Unincorporated Humboldt

Nov. 18, 2019

1 inch=50 feet



ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Approval	On file/Accela
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	Comments	Attached
California Department of Fish & Wildlife		No Response	
Northwest Information Center	✓	Further Study	On file and confidential
Hoopla Valley Tribe		No Response	
Tsnungwe Council	✓	Approval	On file and confidential
Klamath-Trinity Unified School District	✓	Approval	Attached
Humboldt County Sheriff	✓	Comments	On file/Accela
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board	✓	Comments	Attached
State Water Resources Control Board – Division of Water Rights	✓	Conditional Approval	Attached



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

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Caitlin Castellano, Planner, Planning & Building Department

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

DATE: 01/31/2019

RE:

Applicant Name	BARN CAT FARM, LLC
APN	522-044-039
APPS#	PLN-11893-SP

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:

The maintained road log for Brannon Mountain states that the County maintains from State Hwy 96 (P.M. 0.0) to the National Forest Boundary (at P.M. 5.0). Then from the National Forest Boundary (P.M. 5.0) to the End (P.M. 5.89).

All recommendations in the Road Evaluation Report submitted to the Humboldt County Planning Division on June 7, 2018, by Pacific Watershed Associates, Inc. dated June 2018 (and Addendum 1 dated June 2018) for Brannon Mountain Road shall be 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. Applicant shall contact the Department of Public Works prior to ordering the required signage. Applicant will be required to pay for all required signage. The County sign shop shall install all required signs, as required by the above mentioned report to the satisfaction of the Public Works Department.

Note: There may be other projects that have been conditioned to improve the road(s). Prior to constructing any improvements or implementing any neighborhood traffic management plan, the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11893

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //

▼ 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

5/8/19

Planning Referral Comments:

1. Submit revised site / plot plan showing all the following items: all structures including size and use and all setbacks from the above stated to each other.
2. Existing structures used in the cannabis operation shall not be used until all required permits have been obtained.
3. Recommend approval based on the condition that all grading, building and Ag Exempt permits are obtained.

Building Division Comments:

1. Submit floor plans for container, covered carport and outdoor kitchen with all Ag Exempt structures.
2. Revise plot plan to show all structures.
3. Complete and submit Ag Exemption letter of intent for all proposed greenhouses and Ag structures.

check spelling

Attachment

(s) :



[11893-1](#)



[11893-2](#)



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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



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



1/25/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Willow Creek VFD:FPD, RWQCB, NCUAQMD, Klamath-Trinity Joint Unified:School District, Cal Fish & Wildlife, CalFire, Hoopa Valley Tribe, NWIC, Tsnungwe Council, SWRCB - Division of Water Rights:Other

Applicant Name Barn Cat Farm, LLC **Key Parcel Number** 522-044-039-000

Application (APPS#) PLN-11893-SP Historic Planning **Assigned Planner** Caitlin Castellano

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: 2/9/2019

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

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

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

Other Comments: _____

DATE: 2-4-19 PRINT NAME: Missie Ammon

North Coast Regional Water Quality Control Board

CEQA Project Review and Comment Cannabis Program Project Name: Barn Cat Farm, LLC WDID No. (1_12CC403794) Date: 2/8/19

APN: 522-044-039	County: Humboldt	Case, File or Appl. No. PLN-11893-SP	RWB Reviewer: A. Piscitelli
Date Referral Received: 1/25/19		Date Comments Requested By: 2/8/19	
Site Location and Landowner Information			
Physical Site Address: 3400 Brannan Mtn. Rd. Willow Creek, CA 95573		Mailing Address: Tara Fulgenzi PO Box 1217 Willow Creek, CA 95573	
CEQA Lead Agency Contact		Document Type	
Humboldt County		CEQA: <input type="checkbox"/> CE <input type="checkbox"/> NOP <input type="checkbox"/> IS <input type="checkbox"/> ND <input type="checkbox"/> MND <input type="checkbox"/> DEIR Other: <input type="checkbox"/> General Plan <input checked="" type="checkbox"/> Project Referral	
Project Description			
<p>Barn Cat Farm, LLC - Existing 7,210 ft.² of outdoor cultivation An application for a Special Permit for 7,210 square feet of existing outdoor medical cannabis cultivation. Water for irrigation is sourced from rainwater catchment, as well as a point of diversion. Water is stored in 14 existing hard tanks totaling 17,925 gallons. The applicant proposes to construct a 350,000 gallon rainwater catchment pond that would also be used for storage purposes. Drying would occur on-site, with all other processing activities occurring at a licensed off-site processing facility. Electricity is sourced from generator power.</p>			
Cannabis Program Enrollment			
North Coast Regional Water Quality Control Board Order No. R1-2015-0023 Enrolled? <input type="checkbox"/> Yes, <input type="checkbox"/> No Enrollment Tier <input type="checkbox"/> Tier 1, <input type="checkbox"/> Tier 2, <input type="checkbox"/> Tier 2*, <input type="checkbox"/> Tier 3		State Water Board Cannabis Program Order No. WQ-2017-0023-DWQ Enrolled? <input checked="" type="checkbox"/> Yes, <input type="checkbox"/> No, <input type="checkbox"/> Exempt (Personal Use), <input type="checkbox"/> Conditionally Exempt Enrollment Tier <input checked="" type="checkbox"/> Tier 1, <input type="checkbox"/> Tier 2	

	Risk Level <input checked="" type="checkbox"/> Low, <input type="checkbox"/> Medium, <input type="checkbox"/> High
Tribal Authorization, for cultivation within 600 feet of tribal lands (PRC section 21073)	
<input type="checkbox"/> Authorized <input type="checkbox"/> Request for authorization denied by Tribe <input type="checkbox"/> Authorization required <input checked="" type="checkbox"/> Not applicable (Cultivation not within 600 feet of tribal lands)	
CEQA Document Review and Project Proposal Comments	
<input checked="" type="checkbox"/> No Comment at this time <input type="checkbox"/> Recommend Conditions be Applied to the Project (See requirements below) <input type="checkbox"/> Recommend Environmental Impact Report <input type="checkbox"/> Additional Information Requested or Potential Permits Required (see comments below)	
Regional Water Board Authority	
<p>The North Coast Regional Water Quality Control Board (Regional Water Board) implements the Porter Cologne Water Quality Control Act and Federal Clean Water Act, and is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) otherwise known as Waters of the State and United States and the protection of the beneficial uses associated with those waters. We regulate the discharge of waste to land and waters of the state as well as implement the federal Clean Water Act in California.</p> <p>The Regional Water Board's Water Quality Control Plan for the North Coast Basin (Basin Plan) and the California Water Code define waters of the state as follows: "Waters of the state" refers to any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code §13050 (e))." This definition is broader than that of "waters of the United States" and consequently should always be acknowledged and considered when determining impacts upon water resources.</p> <p>Any adverse impacts to, or loss of, natural or constructed wetlands and their beneficial uses due to development and construction activities must be fully permitted and mitigated.</p> <p>Any impacts to waters of the State should first be adequately evaluated to determine if the impacts can be avoided or minimized. Project proponents are required to first avoid and second to minimize impacts to waters of the State, such efforts must be fully exhausted prior to deciding to mitigate for their loss. If a project's impacts to waters of the State are deemed unavoidable, then compensatory mitigation (for acreage, function and value) will be necessary for any unavoidable impacts. Our staff may require greater than 1:1 mitigation ratio as a condition of approval for this project.</p> <p><u>Antidegradation Policy</u></p> <p>The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and</p>	

incorporates by reference, both the State and federal antidegradation policies. Therefore, projects are not authorized to discharge increased concentrations of pollutants, increased volumes of treated wastewater, or adversely modify an ecosystem that may result in degradation of high quality waters.

Please consider the following water quality concerns identified below when adding conditions of approval to a project or conducting a CEQA analysis of potential impacts.

Watershed**Section 303 d Listings****Trinity River, Willow Creek**

Cal Water (version 2.2) – Lower Trinity River, Willow Cr, Upper Willow Cr, Ruby Cr, 1106.120101
HUC 12 – Horse Linto Creek-Trinity River, Willow Creek, 180102111201

Section 303 d Listings

- ☒ Sediment
- ☒ Siltation
- ☐ Nutrients
- ☐ Temperature
- ☐ Aluminum
- ☐ Oxygen, Dissolved
- ☐ Mercury
- ☐ Indicator Bacteria
- ☐ PCBs
- ☐ Microcystin
- ☐ Phosphorous
- ☐ pH (High)
- ☐ Turbidity
- ☐ Manganese
- ☐ Specific Conductivity
- ☐ Organic Enrichment/Low Dissolved Oxygen
- ☐ Diazinon
- ☐ Dioxins Toxic Equivalents
- ☐ Biostimulatory Conditions

TMDL Projects

- ☐ NONE
- ☐ Total Maximum Daily Load Implementation Policy for Sediment Impaired Receiving Waters
- ☐ Albion River
- ☐ Big River
- ☐ Eel River, North Fork
- ☐ Eel River, Upper Main
- ☐ Eel River, Middle Main
- ☐ Eel River, Middle Fork
- ☐ Eel River, Lower Main

<input type="checkbox"/> Eel River, South Fork <input type="checkbox"/> Elk River <input type="checkbox"/> Freshwater Creek <input type="checkbox"/> Garcia River <input type="checkbox"/> Gualala River <input type="checkbox"/> Klamath River <input type="checkbox"/> Laguna De Santa Rosa <input type="checkbox"/> Lost River, Upper <input type="checkbox"/> Lost River, Lower <input type="checkbox"/> Mad River <input type="checkbox"/> Mattole River <input type="checkbox"/> Navarro River <input type="checkbox"/> Noyo River <input type="checkbox"/> Redwood Creek <input type="checkbox"/> Russian River <input type="checkbox"/> Salmon River <input type="checkbox"/> Scott River <input type="checkbox"/> Shasta River <input type="checkbox"/> Stemple Creek <input type="checkbox"/> Ten Mile River <input checked="" type="checkbox"/> Trinity River <input type="checkbox"/> Trinity River, South Fork <input type="checkbox"/> Van Duzen River	
Beneficial Uses	
<input checked="" type="checkbox"/> MUN--Municipal and Domestic Supply <input checked="" type="checkbox"/> AGR--Agricultural Supply <input checked="" type="checkbox"/> IND--Industrial Service Supply <input checked="" type="checkbox"/> PRO--Industrial Process Supply <input checked="" type="checkbox"/> GWR--Groundwater Recharge <input checked="" type="checkbox"/> FRSH--Freshwater Replenishment <input checked="" type="checkbox"/> NAV--Navigation <input checked="" type="checkbox"/> POW--Hydropower Generation <input checked="" type="checkbox"/> REC-1--Water Contact Recreation <input checked="" type="checkbox"/> REC-2--Non-Contact Water Recreation <input checked="" type="checkbox"/> COMM-- Commercial and Sport Fishing <input type="checkbox"/> WARM--Warm Freshwater Habitat <input checked="" type="checkbox"/> COLD--Cold Freshwater Habitat <input type="checkbox"/> ASBS--Preservation of Areas of Special Biological Significance <input type="checkbox"/> SAL--Inland Saline Water Habitat	<input checked="" type="checkbox"/> WILD--Wildlife Habitat <input checked="" type="checkbox"/> RARE--Rare, Threatened, or Endangered Species <input type="checkbox"/> MAR--Marine Habitat <input checked="" type="checkbox"/> MIGR--Migration of Aquatic Organisms <input checked="" type="checkbox"/> SPWN--Spawning, Reproduction, and/or Early Development <input checked="" type="checkbox"/> SHELL--Shellfish Harvesting <input type="checkbox"/> EST--Estuarine Habitat <input checked="" type="checkbox"/> AQUA--Aquaculture <input type="checkbox"/> CUL--Native American Culture <input type="checkbox"/> FLD--Flood Peak Attenuation/ Flood Water Storage <input type="checkbox"/> WET--Wetland Habitat <input type="checkbox"/> WQE--Water Quality Enhancement <input type="checkbox"/> FISH--Subsistence Fishing

Threatened and Endangered Species

- ☐ Tidewater Goby
- ☐ Lost River Sucker
- ☐ Modoc Sucker
- ☐ Bull Trout
- ☐ Eulachon
- ☐ Longfin Smelt
- ☒ Green Sturgeon
- ☒ Chinook Salmon California Coastal ESU
- ☐ Coho Salmon Central California Coast ESU
- ☒ Coho Salmon Southern Oregon Northern California Coastal ESU
- ☒ Steelhead Trout Northern California Distinct Population Segment (DPS)
- ☐ Steelhead Trout Central California Coast DPS
- ☐ California Tiger Salamander
- ☐ California Red Legged Frog
- ☐ Scott Bar Salamander
- ☐ Shasta Salamander
- ☐ Siskiyou Mountains Salamander
- ☐ Southern Torrent Salamander
- ☐ Point Arena Mountain Beaver
- ☐ Freshwater Shrimp

This is not a comprehensive account of listed species, please refer to the CA Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and NOAA-National Marine Fisheries Service for a complete list.

Documentation Required to Assess Project Compliance with the Water Code

- ☐ Project designs/Maps/Diagrams inclusive of existing on-site roads, access roads and easements
- ☐ Low Impact Development Strategy
- ☐ Waste Characterization/Disposal Strategy
- ☐ Riparian/Stream/Wetland Avoidance Strategy
- ☐ Water Rights Documentation
- ☐ Proof of Enrollment in State Water Resources Control Board Cannabis Regulatory Program
- ☐ Water Resource Protection Plan
- ☐ Cleanup and Restoration Plan
- ☐ Evidence of Consultation with Army Corps of Engineers
- ☐ Evidence of Consultation with Dept. of Fish and Wildlife
- ☐ Cumulative Impact Assessment for Project Sub Watershed
- ☐ Other, described as follows:

Permits and Mitigations Likely Required for Project Compliance

<input type="checkbox"/> Federal Clean Water Act section 401 State Water Quality Certification https://www.waterboards.ca.gov/water_issues/programs/cwa401/ <input type="checkbox"/> Cannabis Regulatory Program Enrollment https://www.waterboards.ca.gov/water_issues/programs/cannabis/ <input type="checkbox"/> Waste Discharge Requirements / Water Quality Certification for Instream Work https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190125/180731_031616_401_R1-2015-0023-Application.pdf <input type="checkbox"/> Construction Storm Water General Permit (for disturbed area greater than one acre) https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html <input type="checkbox"/> Industrial Storm Water Permit https://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.html <input type="checkbox"/> National Pollutant Discharge Elimination System Permit (NPDES) Describe NPDES permit required:
--

Additional Comments or Recommendations

In the event the project proponent or lead agency has already addressed requested information please provide the information identified above or develop such information to demonstrate compliance with the Water Code. In the event that the project applicant determines the requested information is not necessary, please provide justification to support the project's compliance with the Water Code.

If future instream work (affecting waters of the state) is proposed Water Quality Certification would be needed.

Note Annual Reports for enrollees under the Statewide Cannabis General Order WQ 2017-0023-DWQ are due March 1, 2019. Submission of Annual Reports in 2019 (for calendar/cultivation year 2018) must be done through the Water Boards Cannabis Cultivation Programs Portal at: <https://public2.waterboards.ca.gov/cgo>

Signature Block

Amanda Piscitelli	Digitally signed by Amanda	Date: 2/8/19
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Piscitelli

Date: 2019.02.08 17:30:09 -08'00'

Water Boards



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

1/25/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Willow Creek VFD:FPD, RWQCB, NCUAQMD, Klamath-Trinity Joint Unified:School District, Cal Fish & Wildlife, CalFire, Hoopa Valley Tribe, NWIC, Tsnungwe Council, SWRCB - Division of Water Rights:Other

Applicant Name Barn Cat Farm, LLC **Key Parcel Number** 522-044-039-000

Application (APPS#) PLN-11893-SP Historic Planning **Assigned Planner** Caitlin Castellano

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.

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

Return Response No Later Than: 2/9/2019

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

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

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

Other Comments:

See attached

DATE:

4.15.19

PRINT NAME:

Dyana McPherson

Project Review and Comment Cannabis SIUR Program

Project Name: Barn Cat Farm LLC

Date: 3.22.19

APN:
522.044.039.000

County:
Humboldt Co.

Project#:
PLN. 11893.SP

Date Referral Received:
1.25.19

Reviewer:
Payman Alenzi

Date Referral Due:
2.9.19

Documentation Required to Assess Project Compliance with the Water Code

- ☐ Water Rights Documentation
- ☐ Project designs/Maps/Diagrams inclusive of existing on-site roads, access roads and easements
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- ☐ Proof of Enrollment in State Water Resources Control Board Cannabis Regulatory Program
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- ☐ Evidence of Consultation with Army Corps of Engineers
- ☐ Low Impact Development Strategy
- ☐ Waste Characterization/Disposal Strategy
- ☒ Other, described as follows:

Enrollment in SUR program for diversion

Permits and Mitigations Required for Project Compliance

- ☒ Cannabis Regulatory Program Enrollment

https://www.waterboards.ca.gov/water_issues/programs/cannabis