



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: June 4, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Next Green Generation, Inc. Special Permits**
Record Number: PLN-11532-SP
Assessor's Parcel Number (APN): 220-261-066
3156 Briceland-Thorne Road, Briceland area

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Please contact Meghan Ryan, Senior Planner, at 707-445-7541 or by email at mryan2@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 4, 2020	Special Permits	Meghan Ryan

Project Description: A Special Permit for 7,061 square feet of existing mixed-light cannabis cultivation located within three greenhouses. Historically, three greenhouses were used for cultivation, however, one greenhouse will be removed due as it is located within the Streamside Management Area (SMA) and one of the remaining two will be divided into two smaller greenhouses. The remaining two greenhouses will be modified to allow for relocation of the cultivation area within the SMA. The resultant project will consist of three greenhouses all located outside of the SMA. A 900-square-foot greenhouse will be used for propagation. Cultivation activities extend all year with cultivation occurring from February to October and maintenance activities occurring during the late fall and winter months. Approximately 94,500 gallons of water are needed annually. Water for irrigation is provided by rain catchment and an unnamed water course on the subject parcel. There is 87,000 gallons of water storage in hard-sided tanks. An additional 30,000 gallons of hard-sided tank storage is proposed. Drying and curing of harvested cannabis will occur on-site at an 800-square-foot structure on the subject parcel. All other processing, such as trimming, will occur at a licensed, off-site processing facility. The applicant will a maximum of two employees. Power is provided by P. G. & E. The use of the on-site generator is limited to power outages. The proposed project includes a Special Permit for development within a Streamside Management Area that would authorize the use of the point of diversion in an unnamed watercourse to provide water for irrigation.

Project Location: The project is located in Humboldt County, in the Briceland area, on the south side of Briceland-Thorne Road, approximately 1,600 feet southeast from the intersection of James Creek Road and Briceland-Thorne Road, on the property known as 3156 Briceland-Thorne Road.

Present Plan Land Use Designations: Residential Agriculture (RA), Humboldt County General Plan 2017; Density: 5 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2) and High Instability (3).

Present Zoning: Forestry Recreation (FR); Special Building Site Combining Zone (B)(5-20)

Record Number: PLN-11532-SP

Assessor Parcel Number: 220-261-066

Applicant

Next Green Generation, Inc.
Attn: David Sanchez
PO Box 2514
Redway, CA 95560

Owner

David A. Sanchez
PO Box 2514
Redway, CA 95560

Agent

AGR Multi Services, LLC
9153 Briceland Thorn Road
Garberville, CA 95542

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

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

Major Issues: None.

NEXT GREEN GENERATION, INC.
Record Number: PLN-11532-SP
Assessor's Parcel Number: 220-261-066

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and adopt the Resolution approving the proposed Next Green Generation, Inc., project subject to the recommended conditions.

Executive Summary: A Special Permit (SP) for an existing 7,061 square feet of mixed light cannabis cultivation within three greenhouses located on Assessor's Parcel Number (APN) 220-261-066, which is approximately 23.45 acres in size. There will be two harvests annually. The nursery will be used to propagate juvenile plants for future cultivation. Drying and curing of harvested cannabis will occur on-site at an 800-square-foot structure on the subject parcel. All other processing, such as trimming, will occur at a licensed, off-site processing facility. The applicant will a maximum of two employees. Power is provided by P. G. & E. The use of the on-site generator is limited to power outages. Access to the site is secured by an entry gate on Briceland-Thorne Road, remains locked at all times and is signed indicating restricted access. The applicant will improve the driveway where it intersects with Briceland-Thorne Road to meet or exceed all County requirements and ensure traffic safety.

A Special Permit is requested for use of a point of diversion located on APN 222-153-006. Conformance with diversion limits imposed by the SWRCB and CDFW will minimize impacts to the SMA by requiring fish-friendly design of the POD with appropriate screening and limiting withdraws to higher winter flows. The proposed project includes relocation of one legacy cultivation area as it was with the Streamside Management. The cultivation area will be relocated to the remaining two greenhouses on- site, which will be increased in size. According to the operations plan, the site will be stabilized using native vegetation as recommended by the Registered Professional Forester (RPF) that prepared the Water Resources Protection Plan (WRPP). No additional ground disturbance is required.

Annual water use is 94,500 gallons. Irrigation water is sourced from rain catchment and an unnamed watercourse on the subject parcel. The rain catchment system is anticipated to provide the water demand in most years and the unnamed spring will only be used during drier seasons. There is 87,000 gallons of water storage. According the operations plan, rain is captured by a 75,000-gallon rain catchment water tank that is approximately 34 feet in diameter with an approximate catchment area of 921 square feet (see Attachment 4). Average annual rainfall is approximately 65 inches, therefore, approximately 39,490 gallons of water is captured annually. The applicant proposed to install additional rain catchment on the existing single family residence that has a roof area of 1,687 square feet and would capture 72,300 gallons of water in a normal water year. Domestic water and irrigation water are sourced from an unnamed watercourse over 300 feet away from the subject parcel on APN 222-153-008. There is deeded access for use of this spring. Although the applicant will mostly utilize rain catchment as the primary water source for irrigation, the point of diversion may be used in years with low precipitation. Conditions of approval require the applicant to obtain a Right to Use and Divert Water from the State Water Resources Control Board (SWRCB) for use and storage of surface water. Conformance with diversion limits imposed by the SWRCB and CDFW will minimize impacts to the SMA by requiring fish-friendly design of the POD with appropriate screening and limiting withdraws to higher winter flows. Conditions of approval require the applicant to adhere to the Final Streambed Alteration Agreement issued by CDFW and any operating requirements from the SIUR once issued by the State Water Resources Control Board.

The California Natural Diversity Database (CNDDDB) identified the Yellow-legged frog as a known rare or sensitive species with the potential to occur on the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 0.34 miles to the east and the nearest mapped NSO activity center is located 1.51 miles to the northeast of the cultivation area. Marbled murrelet habitat are located more than 0.22 miles southeast from the subject parcel. Power is provided by P. G. & E. A backup generator would be used only in cases of power outages. Conditions of approval require generator containment and that noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, conditions of approval require that greenhouses utilizing artificial lighting for mixed light cultivation meet Dark Sky standards as described by the CMMLUO. Conditions of approval require the applicant must demonstrate conformance with noise and light attenuation measures prior to continuing use of generators and artificial light. A Lake and Streambed Alteration Agreement (LSAA) notification was obtained from the California Department of Fish and Wildlife (CDFW) (Notification #1600-2018-0450-R1) for the water diversion for domestic and irrigation uses, replacement of three stream crossings and decommissioning of two stream crossings. The applicant is required to provide proof of enrollment into the State Cannabis Cultivation program and to obtain water rights for use and storage of water diverted from the point of diversion.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and state requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

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

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

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

**Record Number: PLN-11532-SP
Assessor Parcel Number: 220-261-066**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Next Green Generation, Inc. Special Permits request.

WHEREAS, Next Green Generation, Inc., submitted an application and evidence in support of approving a Special Permit (SP) for 7,061 square feet of existing mixed light cannabis cultivation. There will be two harvests annually. Water is provided by rain catchment and an unnamed watercourse. Water storage totals 87,000 gallons. Drying and curing will occur in an existing 800-square-foot structure while all other processing, such as trimming, will occur at a licensed off-site processing facility. There will be a maximum of two employees. The application includes a Special Permit for a point of diversion within an SMA; and **WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permits (Record Number PLN-11532-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on June 4, 2020.

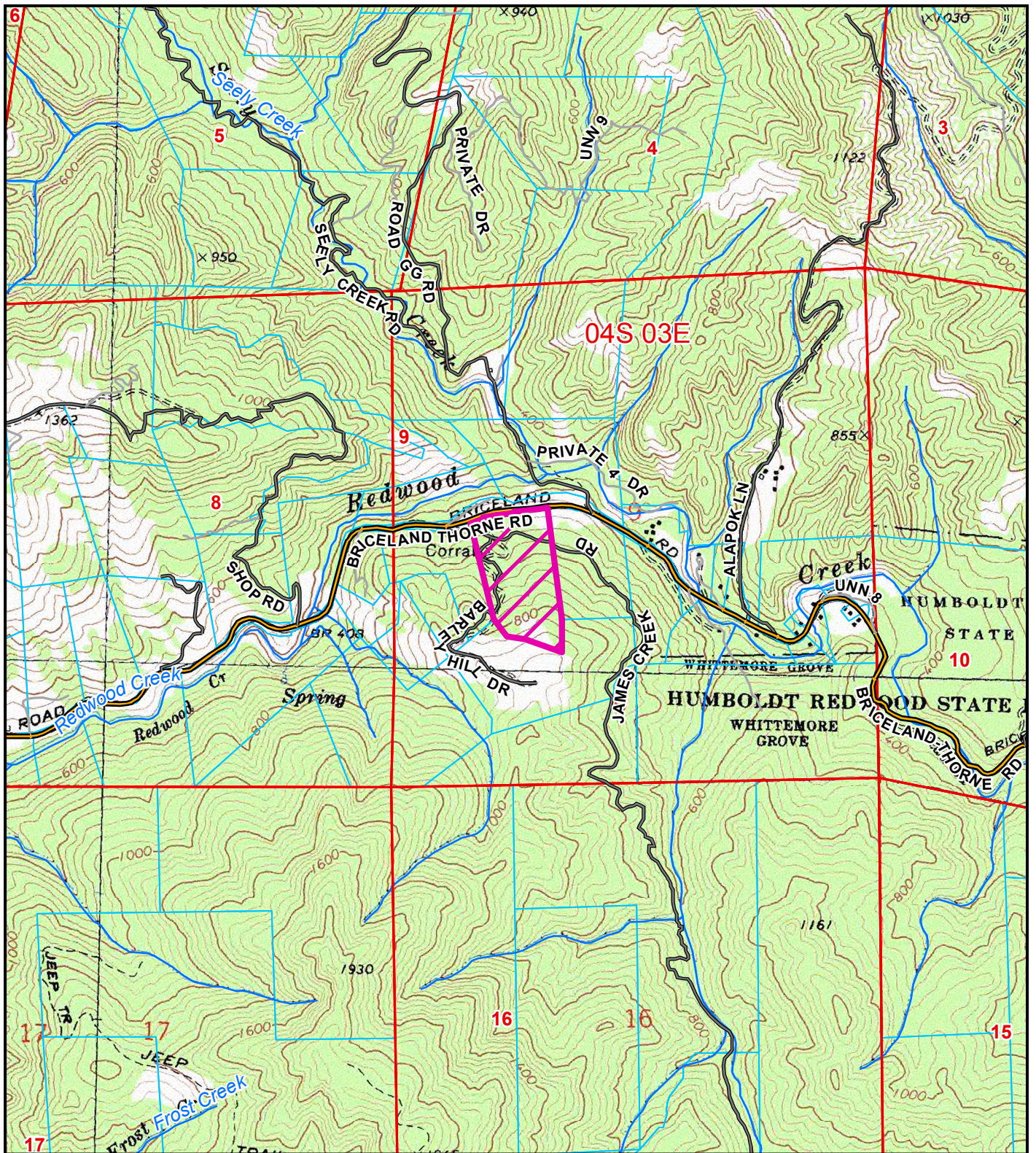
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Zoning Administrator staff report for the Special Permits (Record Number PLN-11532-SP) based on the submitted substantial evidence; and
3. The Special Permits (Record Number PLN-11532-SP) are approved as recommended and conditioned in Attachment 1 for Record Number PLN-11532-SP.

Adopted after review and consideration of all the evidence on June 4, 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.

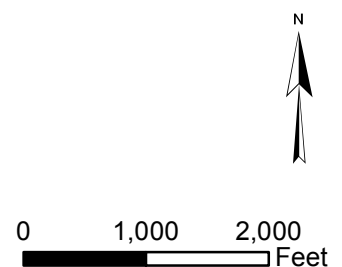
John Ford
Zoning Administrator
Planning and Building Department

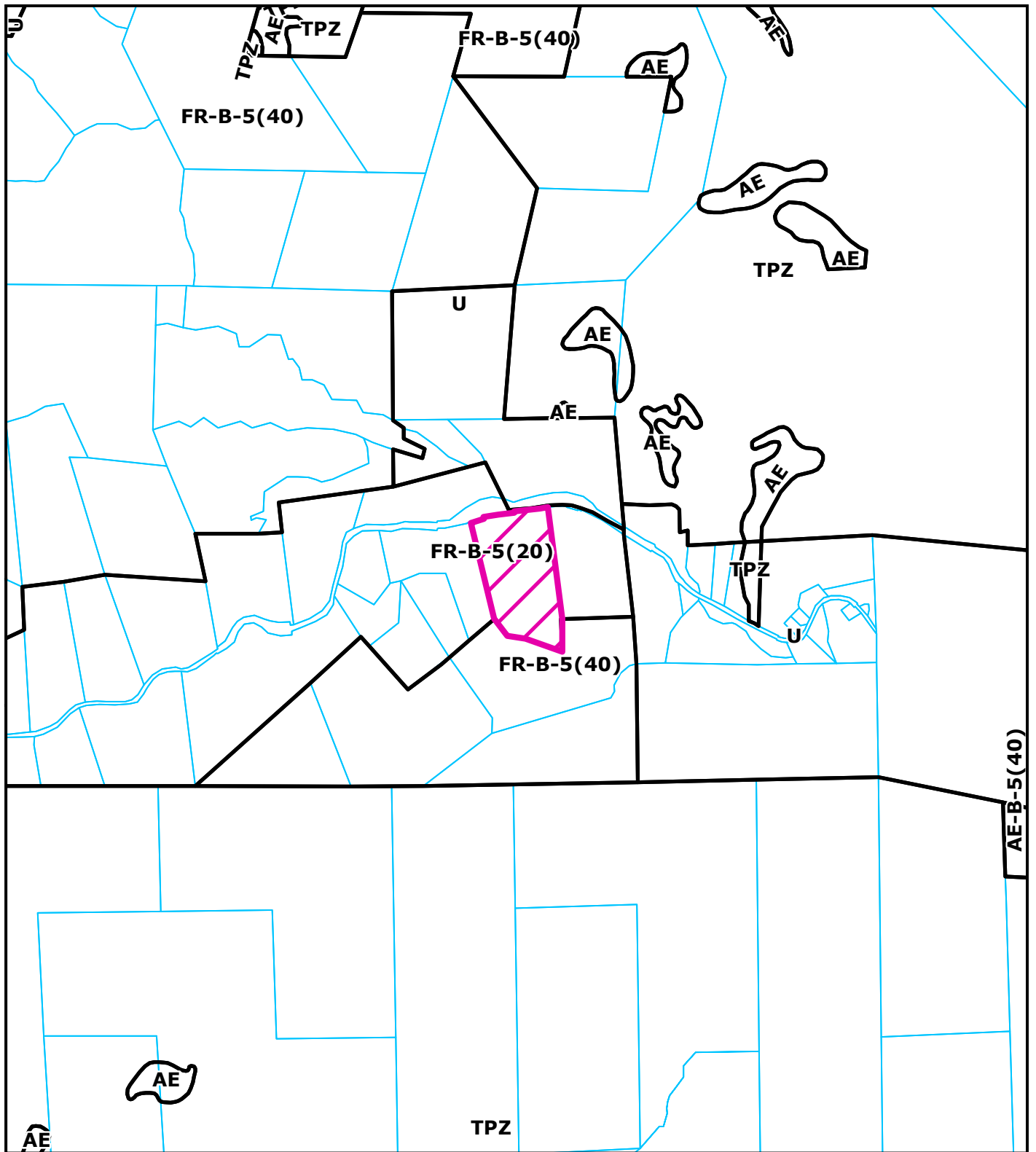


TOPO MAP
PROPOSED NEXT GREEN GENERATION
BRICELAND AREA
SP-16-249
APN: 220-261-066
T04S R03E S9 HB&M (MIRANDA)

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.





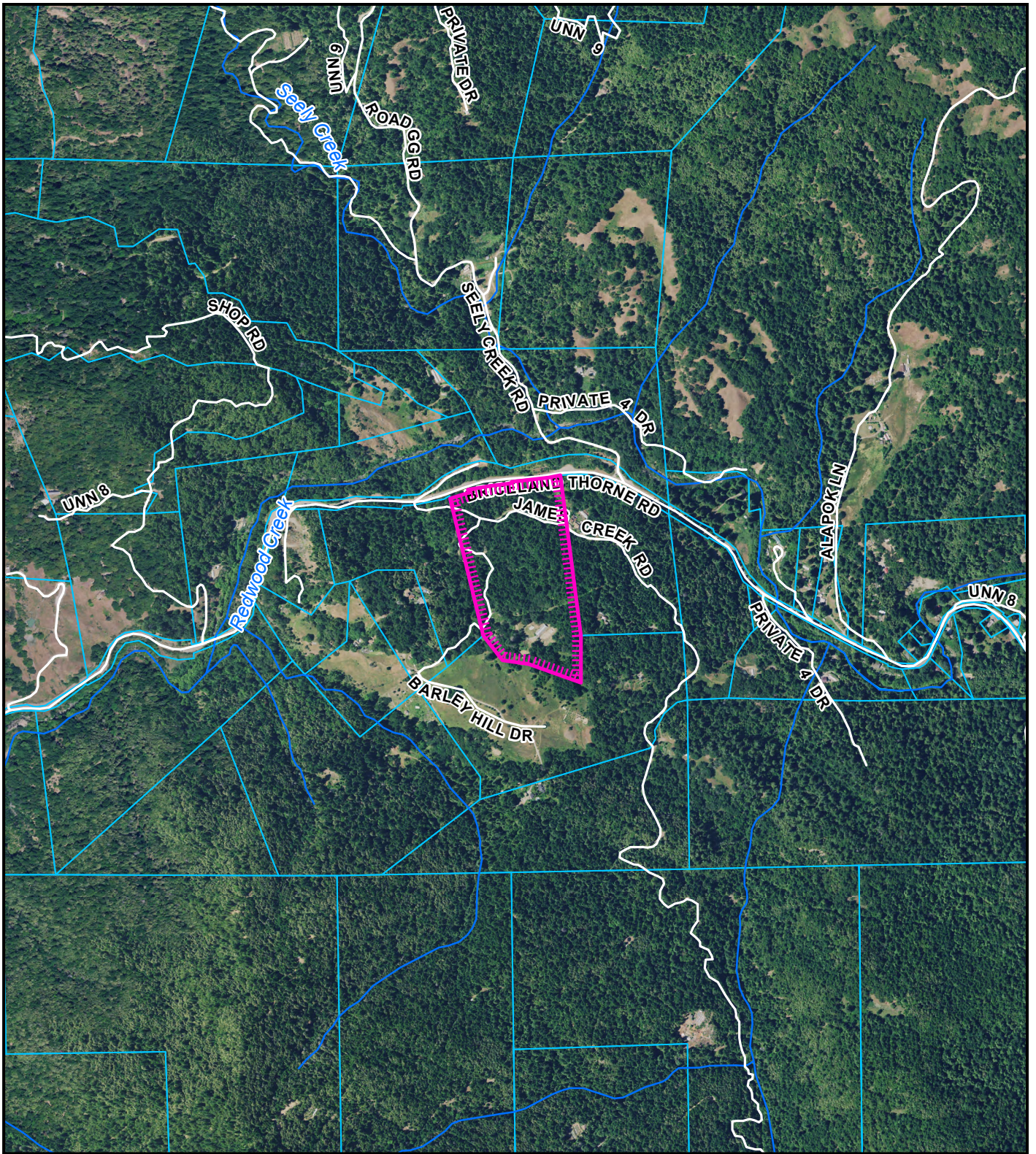
Project Area = 

**ZONING MAP
PROPOSED NEXT GREEN GENERATION
BRICELAND AREA
SP-16-249
APN: 220-261-066
T04S R03E S9 HB&M (MIRANDA)**

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

0 1,000 2,000 Feet

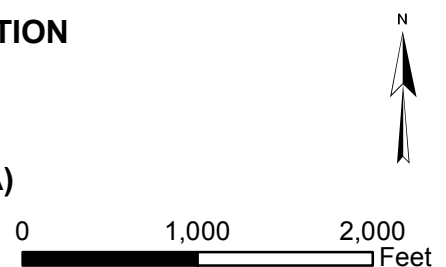




Project Area = 

**AERIAL MAP
PROPOSED NEXT GREEN GENERATION
BRICELAND AREA
SP-16-249
APN: 220-261-066
T04S R03E S9 HB&M (MIRANDA)**

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.



DIRECTIONS:
HUMBOLDT COUNTY PLANNING DEPARTMENT
3015 H ST. EUREKA, CA 95501

GET ON US-101 S FROM H ST. E. FAIRWAY DR AND
HERKAMP AVE.
6 MIN (3.2 MI)

FOLLOW US-101 S TO REDWOOD DR. TAKE EXIT 642 FROM
US-101 S
56 MIN (59.9 MI)

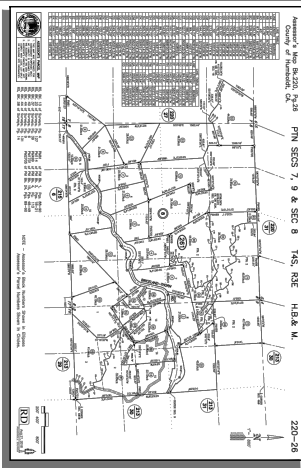
FOLLOW REDWOOD DR AND BRICELAND RD TO JAMES
CREEK ROAD TO BARLEY HILLS DRIVE YOUR
DESTINATION
10 MIN (4.8 MI)

3156 BRICELAND RD
REDWAY, CA 95560

GENERAL NOTES:
WATER IRRIGATION WITH RAIN CATCHMENT.
GRAVITY YES (HISTORIC ONLY)
DOMESTIC IS DEEDED REGISTERED SPRING
DIVERSION ON NEIGHBORING PARCEL.
POWER POLE
WASTE WATER SEPTIC
SRA REQUIREMENTS
ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA
ORNDANCE AND CAL FIRE REQUIREMENTS. YES
ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA
ORNDANCE AND CAL FIRE REQUIREMENTS. YES
CULTIVATION NOTES
THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC
PARKS OR TRIBAL RESOURCES WITHIN 900' OF CULTIVATION AREAS.
THERE ARE NO OFFSITE RESIDENCES WITHIN 900' OF CULTIVATION AREAS.

GENERAL NOTES:
WATER IRRIGATION WITH RAIN CATCHMENT.
GRAVITY YES (HISTORIC ONLY)
DOMESTIC IS DEEDED REGISTERED SPRING
DIVERSION ON NEIGHBORING PARCEL.
POWER POLE
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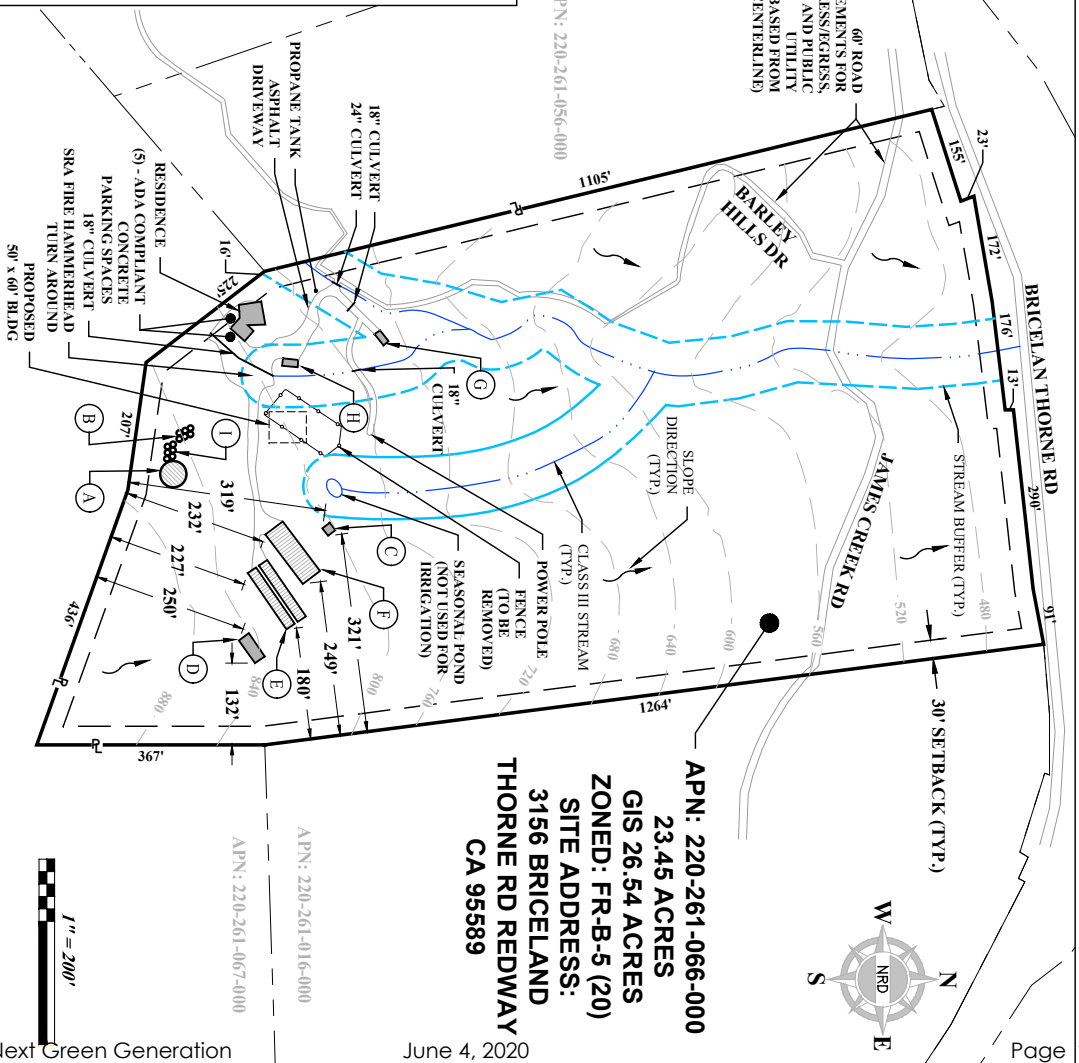
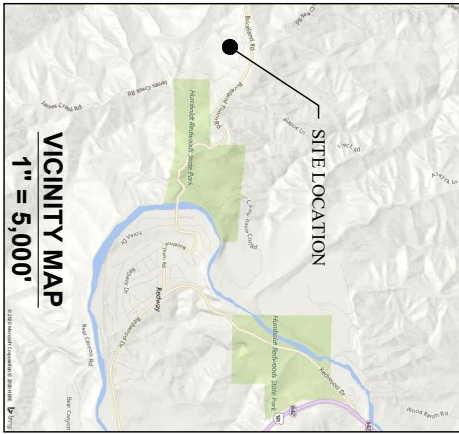
PROPERTY LINES LEGEND:

PROJECT PROPERTY LINE

ADJOINING PROPERTY LINE

STRUCTURE LIST

(A)	75,000 GAL CANVAS IRRIGATION RAINWATER CATCHMENT SYSTEM - WATER TOWER LONG: 12389976 LAT: 40.12614	75,000 GAL.	ROUND
(B)	(4) DOMESTIC USE: 2,500 GAL. (2) IRRIGATION USE: 3,500 GAL. ROOFTOP HARD PLASTIC WATER TANKS LAT: 40.12619 LONG: 12389968	20,000 GAL.	ROUND
(C)	SHED	14 SQFT	11x13
(D)	IMMATURE PLANT AREA GREENHOUSE	900 SQFT	20x45
(E)	PROPOSED (2) - 16,110 GREENHOUSES ON EXISTING HISTORIC GRADED PLAT	1,760 SQFT (E.A.) 3,520 SQFT (TOTAL)	16x110
(F)	GREENHOUSE	3,500 SQFT	35x100
(G)	CONEX SHIPPING CONTAINER WITH WOOD FRAME SHED EXTERIOR	246 SQFT	11x24
(H)	TOOL SHED/OFFICE	300 SQFT	12x25
(I)	PROPOSED FIRE USE: 5,000 GAL. & (1) SRA HARD PLASTIC WATER TANKS LAT: 40.12618 LONG: 12389972	30,000 GAL.	ROUND



SCALE: AS SHOWN	DATE: 5/7/20	DESIGNED: C.BARRETT	CHECKED: C.BARRETT	CHRISTIAN@CALICC.COM	PH: 707-880-4356
NEW ROOTS DEVELOPMENT FARMINGTON, NM 87401					SHEET SIZE 17" x 11"
SITE PLAN NEXT GREEN GENERATION					HUMBOLDT COUNTY, CA
W.O.	N/A	SHEET 1	OF 1 SHEETS	PLT DATE: 7-May-20	LN: 7

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #4 –10. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall 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, fan, and dehumidifier 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 generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
3. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
4. The applicant shall secure permits for all unpermitted grading (including flats) and structures (including greenhouses, 800-square-foot drying building, water tanks and water tank foundations), related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
5. The applicant shall secure the approval from the Department of Environmental Health for the design and installation of the existing Onsite Sewage Treatment System (OWTS) near the residence. A letter or similar communication from the Department of Environmental Health indicating approval has been issued will satisfy this condition. Until the OWTS is permitted, the applicant shall provide an invoice, or equivalent documentation, to the Department of Environmental Health to confirm the use of portable toilets to serve the needs of cultivation staff prior to or at the annual inspection.
6. 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 stating 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.

7. 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 commercial driveway (Barley Creek Drive and James Creek Drive). 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.
 - a. 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.
 - b. 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 operation, final sign-off for a building permit, or public Works approval for a business license.

8. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element until the Applicant has demonstrated enrollment in the State Cannabis Cultivation Discharge Program.
9. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
10. The applicant shall submit a *Right to Divert and Use Water* or other application for appropriative rights to the Division of Water Rights, State Water Resources Control Board and obtain an appropriative right for storage of diverted water for irrigation use from the unnamed watercourse on APN 222-153-006. A letter or similar communication from the State Water Resources Control Board verifying that this requirement has been met will satisfy this condition.
11. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period and shall be provide results prior to or during the annual inspection.
12. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
13. The applicant shall adhere to and implement all the requirements of the final Lake and Streambed Alteration Agreement (Notification #1600-2018-0450-R1 dated May 21, 2019) for the use of the point of diversion, replacement of three stream crossings and decommissioning of two stream crossings as approved by the California Department of Fish and Wildlife and comply with all applicable terms.
14. Within two weeks prior to ground disturbing activities, project contractors shall be trained by a qualified biologist in the identification of the Foothill yellow-legged frog. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any silt fences, to detect the presence of frogs. If a Foothill yellow-legged frog is detected, construction activities shall be halted. Construction crews shall contact the U.S. Fish and Wildlife Service (USFWS) or a qualified biologist, and gain clearance prior to re-initiating work.

15. If a rain event occurs during the construction period, all construction-related activities shall cease for a period of 48-hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no special-status frogs are found, construction activities may resume.
16. The applicant shall adhere to all recommendations for construction contained in the *Geologic Hazard Evaluation* letter prepared by Ourevolution dated December 30, 2019. A letter or similar communication from a civil engineer confirming the recommendations were followed as described in the report will satisfy this condition.
17. The applicant shall not use any synthetic netting or any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. To minimize the risk of wildlife entrapment, the applicant shall use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
18. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
19. The applicant shall ensure that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
20. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
21. 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.
22. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
23. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

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

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

3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.
12. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. 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:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
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:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
21. All cultivators shall comply with the approved Processing Plan as to the following:

- I. Processing Practices.
- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

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 permittee(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 permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the CUP, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
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.
26. Permittee further acknowledges and declares that:
- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
27. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to

permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

28. 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 314-55.4.6.5.7 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.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #27 of the On-Going Requirements /Development Restrictions, above.

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

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

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

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by

ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan 2017, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA5-20): Large lot residential uses that typically rely upon on-site water and wastewater systems. The RA(5-20) designation applies to more remote, steep, and high hazard areas and is meant to ensure compatibility with adjacent resource production and open space uses.</p> <p>Allowable uses include single family residential, second residential unit, guest house, planned developments, and residential accessory uses.</p> <p>Density range is 5-20 acres/unit.</p>	<p>The Applicant is proposing to permit existing 7,061 square feet of mixed light cultivation on a 23.45-acre parcel with the RA5-20 designation. General and intensive agriculture are allowed use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible, and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-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-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is off Barley Creek Drive and James Creek Drive, which is approximately 0.23 miles from the intersection of Barley Creek Drive and Briceland-Thorne Road (a paved and striped road). Briceland-Thorne Road has been previously classified as a Category 4 standard and is adequate to accommodate the proposed use. Briceland-Thorne Road is on the Department of Public Works "approved" list for use by commercial cannabis operations by the Department of Public Works. According to the Road Evaluation Report submitted by the applicant, Barley Hill Drive is constructed to a Category Road 4 equivalent and can accommodate the proposed used (see Attachment 4). Humboldt County Department of Public Works recommended conditional approval. The Department of Public Works requested three conditions relating to compliance with fences and encroachments, visibility and intersection improvements. All three conditions are incorporated into the conditions of approval for the proposed project.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	The project is for the continued operation of cannabis cultivation and would not authorize any timber harvesting. The project would leave intact, the existing open space areas surrounding the cultivation areas as well as surrounding parcels. In addition, the project would remove existing cultivation from environmentally sensitive areas, allowing those areas to return to open space use, and relocate the cultivation to an environmentally superior upland site. The project can be found consistent with the Open Space Action Program because the project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation – an agricultural product – is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. There are no mapped Streamside Management Areas on the subject parcel. See Section 10.3 <i>Biological Resources</i> for more information. In addition, the project incorporates numerous conditions of approval related to the listed policies that would ensure resources are protected and is; therefore, consistent with the Open Space element.

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 contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The California Natural Diversity Database (CNDDB) identified the Yellow-legged frog as a known rare or sensitive species with the potential to occur on the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 0.34 miles to the east and the nearest mapped NSO activity center is located 1.51 miles to the northeast of the cultivation area. Marbled murrelet habitat are located more than 0.22 miles southeast from the subject parcel. Power is provided by P. G. & E. A backup generator would be used only in cases of power outages. Conditions of approval require generator containment and that noise generated from generators shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, conditions of approval require that greenhouses utilizing artificial lighting for mixed light cultivation meet Dark Sky standards as described by the CMMLUO. Conditions of approval require the applicant must demonstrate conformance with noise and light attenuation measures prior to continuing use of generators and artificial light.</p> <p>See findings for <i>Stormwater Drainage</i> (Chapter 11, <i>Water Resources</i>) for additional information regarding culvert replacements and permitting requirements.</p> <p>See findings for the <i>Streamside Management Area</i> (SMA) for additional information regarding relocation of one greenhouse within a SMA, culvert replacements and findings for use of an off-site water diversion from an unnamed watercourse for domestic and irrigation use.</p> <p>See findings for <i>Performance Standards – Water</i> for additional information regarding water use and storage.</p> <p>The California Department of Fish and Wildlife provided project review comments dated January 3, 2018 and recommended conditional approval (see Attachment 5, which includes staff response). Conditions of approval as recommended by CDFW are incorporated into the project. Due to the potential presence of Yellow-legged frogs on the subject parcel, conditions of approval pre-ground disturbance surveys for the Yellow-legged frogs.</p> <p>Therefore, conformance with the operations plan and CDFW Final Stream Alteration Agreement (Notification #1600-2018-0450-R1), as well as conditions of approval, the proposed project is consistent with this element.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to NWIC who indicated that they have no record of a cultural resource study for the project area. The project was referred to the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The proposed project includes the use of artificial lighting in greenhouses for mixed light cultivation and propagation. Lighting also will be used for security purposes. The proposed project is required to use light shields so that little or no light escapes during nighttime hours from cultivation and angle and shield security lighting to minimize light glow. The proposed light shields would ensure that light will not be visible from neighboring properties. Conditions of approval require compliance with the International Dark Sky Association standards for lighting Zone 0 and Lighting Zone 1 is included. The proposed project is not located in proximity to any scenic highway or roadway and, accordingly, light generated by the proposed project would not decrease the enjoyment of any user of a scenic highway or other scenic area within the vicinity of the proposed project. Therefore, the proposed project is consistent with this section.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The project site falls within the Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Timberland Resource Consultants to prepare a WRPP (see Attachment 4). The WRPP was prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order.</p> <p>The applicant was required to enroll in the State Cannabis Discharge program by July 2019. The applicant provided the Notice of Applicability as evidence of enrollment into the State Cannabis Cultivation Discharge program (see Attachment 4). Conditions of approval require the applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>There is an existing Onsite Wastewater Treatment System (OWTS) on the subject parcel that supports the single family residence. Until the existing OWTS is permitted, the applicant will provide appropriate temporary sanitation facilities such as portable toilets for cultivation staff. Processing is required to occur at a licensed off-site processing facility until both OWTS are permitted by the Department of Environmental Health and installed to the satisfaction of DEH. In addition to the permitting and installation of the OWTS, conditions of approval require the applicant to show continual use of the portable bathroom facilities prior to the annual inspection of the permit.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is located in an area that requires special noise attenuation measures. The nearest Northern Spotted Owl (NSO) observation is located 0.34 miles to the east and the nearest mapped NSO activity center is located 1.51 miles to the northeast of the cultivation area. Marbled murrelet habitat are located more than 0.22 miles southeast from the subject parcel. Power is provided by P. G. & E. A backup generator would be used only in cases of power outages. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer, as required by Section 314-55.4.11(o). Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. As conditioned, the project is consistent with the Noise Element.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The subject parcel is located within 0.2 miles of the Garberville-Briceland Fault Zone. The cultivation areas occur on slopes of 15% to 30% and is seismically classified as high and moderate instability. Portions of the project site are located within an area shown on County WebGIS with historic landslides.</p> <p>A <i>Geologic Hazard Evaluation</i> letter dated December 30, 2019, was completed by Ourevolution Engineering (see Attachment 4). The evaluation concluded that development on the subject parcel is relatively stable, are at low risk to landslides and should continue to be as long as the recommendations in the report are adhered to. The recommendations include visual property inspection, maintaining buffers from steep slopes and proper installation of the rain gutters. Conditions of approval require the applicant to adhere to all recommendations for construction contained in the <i>Geologic Hazard Evaluation</i> letter prepared by Ourevolution dated December 30, 2019. Conditions of approval also require the applicant to obtain grading permits from the Building Inspection Division for existing and proposed grading, including the graded flats and water tank foundations, as applicable.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 16 miles distance from the coast and elevation at approximately 800 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire severity. The subject property is located within the Briceland Fire Protection District and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended turnarounds for emergency access, signing and building numbers, designated water storage for fire as part of emergency water standards, and fuel modification standards. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>There will be a maximum of two employees on-site during peak operations. There is 87,000 gallons of water storage in hard-sided tanks, which could provide additional fire protection in the event of an emergency. The project would provide adequate site access and driveways, setbacks, turn-a-rounds, and signing and building numbers to conform with standards conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The project is consistent with the fire protection policies of the Safety Element.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The subject parcel is located within the Briceland Fire Protection District.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:
The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel known as APN 220-261-066 is comprised of one separate parcel as recorded in Book 15 of Parcel Maps 1751, page 49. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.3 Forestry Recreation	Forestry Recreation (FR): Intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.	The applicant is seeking a Special Permit for existing 7,061 square feet of mixed light cannabis cultivation on a property zoned FR-B-5(20). The existing cultivation is specifically allowed with a Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	1 acre	23.45 acres
Minimum Lot Width:	200 feet	396 feet
Maximum Lot Depth:	None specified	1,533 feet

Minimum Yard Setbacks: (Through the SRA setbacks)	Front: 20 feet Rear: 20 feet Side: 30 feet SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Sides: >30 feet
Maximum Ground Coverage:	None specified	<10%
Max. Building Height:	None Specified	<35 feet

<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>There are no mapped Streamside Management Areas on the subject parcel. The Water Resource Protection Plan (WRPP) shows an ephemeral watercourse in the central portion of the parcel. One greenhouse in the southeastern portion of the parcel was located within a Streamside Management Area buffer for an ephemeral watercourse. The Registered Professional Forester (RPF) overseeing project developments as well as the California Department of Fish and Wildlife (CDFW) recommended removal of the greenhouse as described in the operations plan. Once the greenhouse is removed, the area will be stabilized with native vegetation. The relocated cultivation area will be added to the other two greenhouses on-site, which is not result in any additional ground disturbance. The WRPP states all development is located outside of the required 50-foot buffer once the cultivation area was relocated outside of the SMA. The WRPP recommends replacement of three and removal of two stream crossings on the subject parcel. The applicant obtained a Final Stream Alteration Agreement from CDFW for work recommended in the WRPP. The Final Stream Alteration Agreement also permits a point of diversion used for domestic and irrigation purposes. Conditions of approval require the applicant to adhere to and implement the recommendations and monitoring requirements in the Final Stream Alteration Agreement. This permit includes a Special Permit for the point of diversion, which was previously used for domestic and irrigation purposes. Although the applicant will mostly utilize rain catchment as the primary water source for irrigation, the point of diversion may be used in years with low precipitation. Conditions of approval require the applicant to obtain a Right to Use and Divert Water from the State Water Resources Control Board (SWRCB) for use and storage of surface water. Conformance with diversion limits imposed by the SWRCB and CDFW will minimize impacts to the SMA by requiring fish-friendly design of the POD with appropriate screening and limiting withdraws to higher winter flows.</p> <p>Therefore, conformance with the operations plan, SWRCB water rights and CDFW Final Stream Alteration Agreement (Notification #1600-2018-0450-R1), as well as conditions of approval, the proposed project is consistent with this section.</p>
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§314-55.4.8.2 Timber Conversion	Commercial cannabis cultivation is allowed on parcels zoned U, that are one acre or larger and have been designated in the General Plan for agricultural development. 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 review of aerial imagery on the Humboldt County WebGIS shows the parcel has an open area in the southern portion of the parcel where domestic and cultivation activities have occurred. It appears timber removal may have occurred between 2009 – 2010 near Barley Hill Road and between 2014 – 2016 near the cultivation area. Conditions of approval require the applicant to submit a Less Than Three Acre Conversion Evaluation prepared by a Registered Professional Forester (RPF) that describes the timber removal history, determines the amount of timber removal that has occurred and makes recommendations for restocking and compliance with CAL FIRE regulations regarding timber removal. No additional trees are proposed to be removed as part of the project. As conditioned, the project therefore complies with this section.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1 acre, zoned U.	The proposed action is a Special Permit for an existing 7,061 square feet of mixed light cultivation on APN 220-261-066, which is a 23.45-acre parcel zoned FR-B-5(20). Aerial imagery on Google Earth 2012 indicate that existing cultivation operations on the property began prior to 2012. 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.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Only cannabis cultivated by the applicant will be processed on-site. Drying and curing will occur in an existing 800-square-foot accessory structure while all other processing, such as trimming, will occur at a licensed off-site processing facility. No additional Special is required.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the party who is the member of Next Green Generation, Inc. applicant, hold no other cannabis activity permits, and is entitled to four. This application is for one permit.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received.

§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Annual water use is 94,500 gallons. Irrigation water is sourced from rain catchment and an unnamed watercourse on the subject parcel. The rain catchment system is anticipated to provide the water demand in most years and the unnamed spring will only be used during drier seasons. There is 87,000 gallons of water storage. According the operations plan, rain is captured by a 75,000-gallon rain catchment water tank that is approximately 34 feet in diameter with an approximate catchment area of 921 square feet (see Attachment 4). Average annual rainfall is approximately 65 inches, therefore, approximately 39,490 gallons of water is captured annually. The applicant proposed to install additional rain catchment on the existing single family residence that has a roof area of 1,687 square feet and would capture 72,300 gallons of water in a normal water year. Domestic water and irrigation water are sourced from an unnamed watercourse over 300 feet away from the subject parcel on APN 222-153-008. There is deeded access for use of this spring. The applicant obtained a Final Stream Alteration Agreement from CDFW for work recommended in the WRPP. The Final Stream Alteration Agreement also permits a point of diversion used for domestic and irrigation purposes. Conditions of approval require the applicant to adhere to and implement the recommendations and monitoring requirements in the Final Stream Alteration Agreement. This permit includes a Special Permit for the point of diversion, which was previously used for domestic and irrigation purposes. Although the applicant will mostly utilize rain catchment as the primary water source for irrigation, the point of diversion may be used in years with low precipitation. Conditions of approval require the applicant to obtain a Right to Use and Divert Water from the State Water Resources Control Board (SWRCB) for use and storage of surface water. Conformance with diversion limits imposed by the SWRCB and CDFW will minimize impacts to the SMA by requiring fish-friendly design of the POD with appropriate screening and limiting withdraws to higher winter flows. Conditions of approval require the applicant to adhere to the Final Streambed Alteration Agreement issued by CDFW and any operating requirements from the SIUR once issued by the State Water Resources Control Board. Based on the submitted evidence, the project complies with the referenced section.

§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The cultivation area is setback more than 30 feet from any property line and more than 600 feet from any school, school bus stop, church or other place of religious worship, public park or tribal cultural resources (TCRs).
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	The subject parcel is located in an area that requires special noise attenuation measures. The nearest Northern Spotted Owl (NSO) observation is located 0.34 miles to the east and the nearest mapped NSO activity center is located 1.51 miles to the northeast of the cultivation area. Marbled murrelet habitat are located more than 0.22 miles southeast from the subject parcel. Power is provided by P. G. & E. A backup generator would be used only in cases of power outages. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer, as required by Section 314-55.4.11(o). Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. As conditioned, the project is consistent with the performance standards for generator noise.
§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 November 28, 2016.

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

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 project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the project is not expected to cause significant environmental damage.

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

Code Section	Summary of Applicable Requirements	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 midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The parcel is developed with a single family residence which will remain and is therefore not reducing the density below that utilized by HCD. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, and remediation of historic cultivation within a Streamside Management Area. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHEMENT 3
CEQA Addendum

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

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

APN 220-261-066, 3156 Briceland-Thorne Road, Briceland, County of Humboldt

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

May 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 current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level. Additionally, the MND specified that new uses would only be permitted in specific areas that can accommodate the agricultural infrastructure associated with cannabis cultivation and where it can be shown that the operation is meeting rigorous standards that ensure the protection of the environment.

The modified project involves a Special Permit (SP) for 7,061 square feet of existing mixed light cannabis cultivation within three greenhouses. There will be two harvests annually. The nursery will be used to propagate juvenile plants for future cultivation. Drying and curing of harvested cannabis will occur on-site at an 800-square-foot structure on the subject parcel. All other processing, such as trimming, will occur at a licensed, off-site processing facility. The applicant will have a maximum of two employees. Power is provided by P. G. & E. The use of the on-site generator is limited to power outages. Access to the site is secured by an entry gate on Briceland-Thorne Road, remains locked at all times and is signed indicating restricted access. The applicant will improve the driveway where it intersects with Briceland-Thorne Road to meet or exceed all County requirements and ensure traffic safety.

Annual water use is 94,500 gallons. Irrigation water is sourced from rain catchment and an unnamed watercourse on the subject parcel. The rain catchment system is anticipated to provide the water demand in most years and the unnamed spring will only be used during drier seasons. There is 87,000 gallons of water storage. A Special Permit is requested for use of a point of diversion located on APN 222-153-006. Conformance with diversion limits imposed by the SWRCB and CDFW will minimize impacts to the SMA by requiring fish-friendly design of the POD with appropriate screening and limiting withdrawals to higher winter flows. The proposed project includes relocation of one legacy cultivation area as it was with the Streamside Management. The cultivation area will be relocated to the remaining two greenhouses on-site, which will be increased in size. According to the operations plan, the site will be stabilized using native vegetation as recommended by the Registered Professional Forester (RPF) that prepared the Water Resources Protection Plan (WRPP). No additional ground disturbance is required. A Lake and Streambed Alteration Agreement (LSAA) notification was obtained from the California Department of Fish and Wildlife (CDFW) (Notification #1600-2018-0450-R1) for the water diversion for domestic and irrigation uses, replacement of three stream crossings and decommissioning of two stream crossings. The applicant is required to provide proof of enrollment into the State Cannabis Cultivation program and to obtain water rights for use and storage of water diverted from the point of diversion.

The California Natural Diversity Database (CNDDDB) identified the Yellow-legged frog as a known rare or sensitive species with the potential to occur on the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 0.34 miles to the east and the nearest mapped NSO activity center is located 1.51 miles to the northeast of the cultivation area. Marbled murrelet habitat are located more than 0.22 miles southeast from the subject parcel. Power is provided by P. G. & E. A backup generator would be used only in cases of power outages. The subject parcel is located in an area that requires special noise attenuation measures due to proximity to known sensitive receptors. Due to the proximity of the cultivation area to NSO habitat, a proposed condition of approval to this project would require the applicant to maintain generator and 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. Planning staff believes that use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO and is recommending a condition of approval be added to this permit that would prohibit mixed-light in the propagation greenhouses until the applicant can demonstrate compliance with these noise standards.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include relocation from sensitive riparian areas and implementation of habitat restoration, reliance on water storage and rainwater catchment to provide water for irrigation, and proper storage of fertilizers and soil amendments.

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

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize 7,061 square feet of mixed light cultivation and remediation of a historic cultivation area within a Streamside Management Area to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 4 for a complete listing of information and studies):

- Operations Plan prepared by AGR Multi Services revised February 1, 2019;

- Plot Plan prepared by Rainharvest Systems, LLC;
- Premise Diagram and Property Diagram prepared by New Roots Development prepared April 20, 2020;
- Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife dated May 19, 2019 (Notification #1600-2018-0450-R1); and
- Geologic Hazard Evaluation letter prepared by Ourevolution dated December 30, 2019. (Attached)

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, and will permit a nursery on a site that is fully in compliance with the locational requirements specified in the CMMLUO.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within $\frac{1}{4}$ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (On file and 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. (Condition of approval)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – see 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. (Attached – Notice of Applicability and Water Resources Protection Plan prepared by Timberland Resource Consultants dated April 16, 2018; On file – enrollment documents)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached – Streambed Alteration Agreement, Notification No. 1600-2018-0450-R1 dated May 21, 2019)
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. (Condition of Approval)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. DEH Worksheet (On file)
16. Geologic Hazard Evaluation letter prepared by Ourevolution dated December 30, 2019. (Attached)

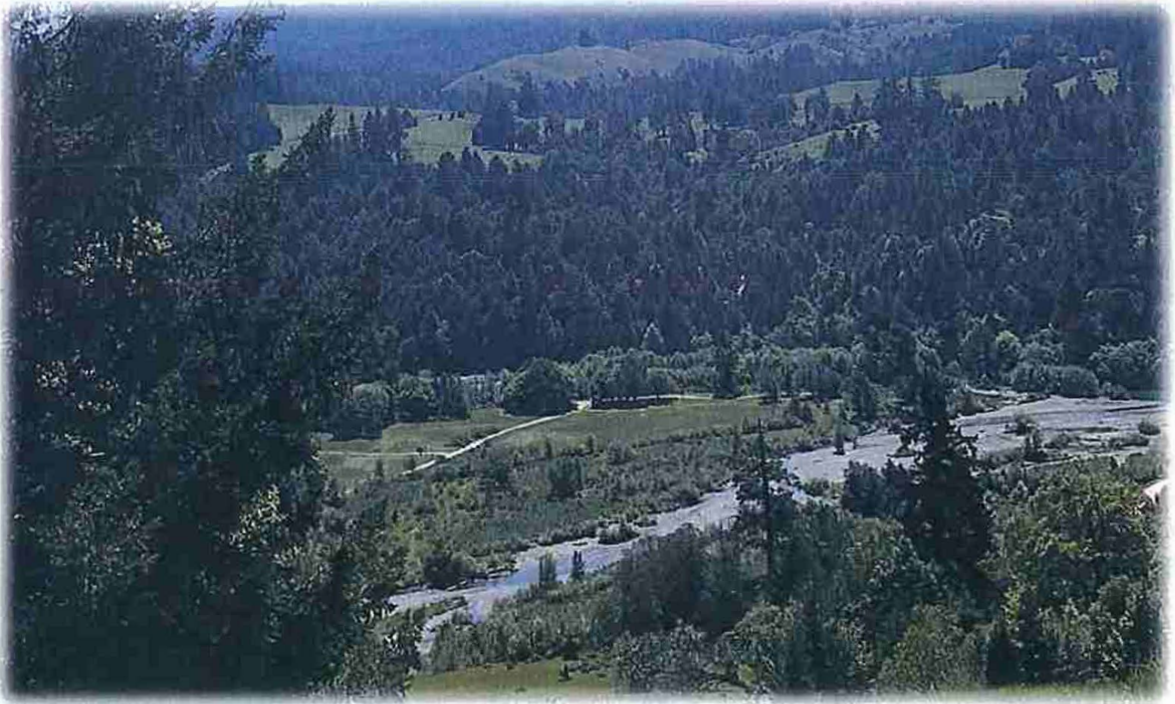
Cultivation and Operations Plan
For
NEXT GREEN GENERATION
APN 220-261-066

Proposed Medical Cannabis Cultivation Facilities

Prepared for:



Humboldt County Planning Department
3015 H Street
Eureka, CA 95501



Prepared By:
A.G.R. Multi Services, LLC
9153 Briceland Thorne Rd
Garberville, CA 95542

{REVISED May 1, 2020}

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Next Green Generation APN#220-261-066 is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Special Permit (SP) for a total of 7,060 sf of existing mixed light cultivation. An existing greenhouse (GH1 on the previous version of the plot plan) on the lower end of the property has been removed as it is on the edge of the riparian buffer per a request made by the Department of Fish and Wildlife.

Existing GH#2 and GH#3 have accommodated the GH1 removal (no grading or other disturbance is proposed) to accommodate the change in square footage. The overall cultivation footprint has diminished by 18 SF compared to the pre-existing footprint.

The current drying/curing facility located on the parcel is approximately 800 sf. (See site map for location and details). There is a storage shed located on the parcel that is used to store all cultivation related products as well as petroleum products. All petroleum and liquid fertilizers are stored in a secure location, with secondary containment.

Revised May 2020

1.2. SITE DESCRIPTION

The project site is located approximately 10 miles north west of Garberville, CA. To reach the site from Eureka take Hwy 101 south for 63 miles to exit 642 for Redwood Drive for 1.8 miles. Turn right onto Briceland Thorn Road for approximately 2.8 miles. Turn left onto James Creek Road for .1 miles. Turn right onto Barley Hill Road and destination will be on your right. Approximate drive time from Eureka, CA 1 hour and 32 minutes with total of 68 miles travel distance. The site is in section 34, township 3 south, range 1 east, h.b. & m. And can be seen on the 7.5' quadrangle map. Furthermore, the site is located at Latitude 40.12277 and Longitude, -123.8596. The subject parcel is approximately 26.54 acres in size (per Humboldt county WEBGIS).

1.3. LAND USE

The subject property has a General Plan designation of improved rural residential 20+ to 40 acres and is zoned FR-B-5(20). The proposed cultivation area occupies less than two percent (2%) of the total prime soil area on the parcel. Land uses surrounding the parcel are comprised of residential, timber and agriculture. The surrounding parcels are zoned Agricultural Exclusive (AE), Timber Production Zone (TPZ), Forrest Recreation (FR), and Unclassified (U).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Next Green Generation APN#221-261-066 has a pending state license, application number LCA20-0000592, and a previously issued now expired temporary state license TML18-0004174.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Next Green Generation APN#221-261-066 has enrolled with the State Waterboard cannabis program WDID: 1_12CC416905; Notice of Applicability issued September 24, 2019.

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Next Green Generation APN#221-261-066 enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effect in the North Coast Region* (WDID Number 1B161136CHUM) A Water Resources Protection Plan was developed for the project by A.G.R. Multi Services, LLC and has been implemented for activities associated with on-site cultivation since August 2016.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

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

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed and other already implemented to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles (done see site plan for location), and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space (on going). All structures on the property meet the 30-foot SRA setback requirement from property lines. SRA designated fire suppression water is maintained on site. (see site plan for details).

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

An LSAA has been obtained for the subject parcel. Final agreement for Notification No. 1600-2018-0450-R1.

2. CULTIVATION AND PROCESSING

2.1. PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are propagated on site from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce 'clones.' The clones are placed into the ancillary propagation area, and once fully rooted they are transplanted directly into one (1) gallon plastic containers. The juvenile plants are irrigated using hand watering methods. After 2-3 weeks, the clones are then transplanted into 25-gallon plastic pots with a potting soil medium and moved into the outdoor greenhouses where they continue their 'vegetative' cycle.

2.2. CULTIVATION PLAN AND SCHEDULE

Lights are used in the propagation area only to maintain a vegetative growth cycle. Light shielding tarps will be used to ensure little or no light escapes to conform with the international dark sky standards. Light manipulation will be performed exclusively with tarp light deprivation technique. Each greenhouse is normally ventilated by intake and exhaust fans. However, those will remain unused until the completion of the biological study per the request by CDFW in the LSAA for this project. The cultivation begins with clones. The clones are transplant several times in different size pots until the desired height and plant growth density has been achieved. Upon final transplant, plants will be hand-watered and fertilized. The blackout tarps will cover the inside of the structure and be operated manually. By manipulating the amount of light the cannabis plants are receiving, Next Green Generation will force flowering even during the elongated daylight hours of summer months. This method makes the most economical use of our stored water supply, as the life cycle of each plant will be reduced.

The greenhouses utilize light deprivation to produce up to two (2) flowering cycles per year. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the light deprivation cultivation operation for a typical two cycle year. (Revised May 2020)

2.3. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using top-feed hand watering methods. Next Green Generation APN#221-261-066 maintains that irrigation and fertigation is more efficiently managed via hand watering, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant.

2.4. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying room which is equipped with ventilation fans and climate control measures. The drying process takes approximately one week.

The dried flowers are then bucked into manageable buds and processed at an off-site processing facility.

2.5. PROCESSING FACILITY

All cannabis processing will occur off site at a licensed facility. A proposed commercial building is part of the plan for Next Green Generation and once development is permitted by Humboldt County Planning and Building Department and construction completed, on-site processing will be performed as a cost savings measure.

2.6. EMPLOYEE PLAN

Next Green Generation APN#221-261-066 is a small family owned and operated farm. The owner-operators reside at the on-site residence. There will be a peak of approximately 2 owner-operators during the season (Revised May, 2020)

2.7. SECURITY PLAN AND HOURS OF OPERATION

2.7.1. FACILITY SECURITY

The cultivation facilities, including greenhouses and drying/curing building are enclosed in a secure privacy fence. An entry gate is located off Barley Hill Road, and the perimeter of the facility facing the residence. The entry gates remain locked always and access to the cultivation area is limited exclusively to owners. Restricted access signs are posted conspicuously at the entry gates. The cultivation and drying/curing building area will have low intensity exterior lighting to illuminate the entrances, and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras will be installed at the main access gates and at entrances to the facilities. Facility will include an alarm system.

2.7.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All activities typically occur no earlier than 6 AM and extend no later than 8 PM.

3. ENVIRONMENT

3.1. PROPOSED ON-SITE RELOCATION

An existing greenhouse was removed per the request by CDFW to ensure adequate set backs are maintained from a water seep. Measurements of the setback are approximate as the footprint of the seep vary depending on season. Based on its proximity, the forester (Timberland Resource Consultants) and the Department of Fish and Wildlife recommended removal of the greenhouse.

The area has been stabilized with native vegetation. The other existing greenhouses will be made slightly larger within the footprint of the existing graded flat. As such, no environmental impacts are anticipated as the areas are already disturbed. The total setback from the cultivation sites to the seep will be increased to approximately 100'.

(Revised May, 2020)

3.2. WATER SOURCE AND PROJECTED WATER USE

Water for domestic use is provided by an "unnamed" spring. The location of the "unnamed" spring is located over 300' away from an unnamed class III stream. Water is then pumped and stored in storage tanks during the winter months to assure water levels throughout the season.

Next Green Generation APN# 221-261-066 utilizes water management strategies to conserve and reuse on-site water and fertilizers to achieve net zero discharge.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

A rainwater catchment is used for irrigation purposes. Gutters are attached to the Greenhouse, rain is caught and delivered to storage during the wet season for use during the forbearance period.

In addition to the gutter system there is a rain catchment tank on site. The tank is 34' -3" diameter tank for a rain catchment area of ~921 square feet. The average rainfall for the Garberville area is approximately 68.78 inches or ~5.73 feet for a total rain catchment volume of ~5279 cubic feet or 39,490 gallons during a typical wet season.

The existing residence is approximately 1687 square feet. Applicant proposes to install a 500 gallon tank and a gutter system to collect stormwater runoff from the roof. 5.73 feet of average rainfall over 1687 square feet generates approximately 9,667 cubic feet or 72,300 gallons of water.

Rain catchment between the roof of the existing residence, the rain harvest tank, and the greenhouse gutter system supply all required water for the operation. However, in the case of a drought year, the off-site registered spring will be utilized to collect sufficient water to meet the forbearance requirements.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	12,380	14,490	15,000	16,400	14,590	12,280	9,360	0	0

(Revised May, 2020)

3.3. WATER STORAGE

Water storage for irrigation use is provided in the form of water storage tanks. The property has (4) 2,500-gallon water tanks (domestic use storage), (2) 5,000 gallon water tanks, (1) 75,000 gallon rain catchment tank, and (6) additional 5,000 gallon water tanks are currently being installed (including (1) 5,000 gallon SRA tank). Next Green Generation APN#221-261-066 has a total of 125,000 gallons of hard water storage including 10,000 gallons for domestic use and 5,000 gallons for SRA storage. Revised May 2020

Water flow meters are installed to measure the volume of flowing water. Monitoring the water usage will assist Next Green Generation to maintain the required information for regulatory reporting with the regional and state waterboard diversion reporting.

3.4. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Next Green Generation APN#221-261-066 is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. The drainage and erosion control measures described below are referenced from the WRPP in Appendix E.

3.4.1. SITE DRAINAGE AND RUNOFF

Site investigation for the development of the Water Resources Protection Plan (WRPP) showed no evidence of surface runoff associated with the cultivation, nor was there evidence that it had occurred in the past. This area has good vegetation ground cover consisting of native grasses with no evidence of leaching from cultivation related activities.

Fertilizers and pesticides are currently stored in an agricultural storage structure that meets all requirements for secondary containment.

To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

3.4.2. EROSION CONTROL

The Water Resource Protection Plan (WRPP) includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. The WRPP also includes corrective actions to reduce sediment delivery, including: stream crossing culvert maintenance and replacement and access road maintenance. Additionally, the WRPP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. See the WRPP section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* in Appendix E for complete BMP recommendations and specifications.

3.5. WATERSHED AND HABITAT PROTECTION

Adherence to the Water Resource Protection Plan (WRPP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are >150 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. No grading is proposed with the exception of the work required in the LSAA (crossing upgrades). No work will be performed until all necessary permits are attained. Refer to the WRPP in Appendix E for detailed descriptions of watershed and habitat protection measures.

3.6. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if not contained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of

being implemented. A monitoring plan is included in the WRPP with photo points identified on WRPP map.

Onsite monitoring shall occur:

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

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix C) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

3.7. ENERGY AND GENERATOR USE

On-grid electricity is provided by PG&E for domestic uses. Primary power back up will be an on-site solar array. A generator may be used as back up when power outage events occur. The use of a generator will follow all guidelines set up by Humboldt County and the State of California and is only anticipated if an emergency occurs. The generator will be located away from the property line to ensure the noise level does not exceed 50 decibels at the property line and a small wooden enclosure shall be placed over the generator while operating to further mitigate noise. Fuel is always kept in secondary containment under cover in the on-site shed.

Fans are normally utilized within the greenhouses which are closed to further mitigate any noise. Fans shall not generate more than 60 decibels at the property line when in operation. Fans have been temporarily disconnected per the request from CDFW until the biological report can be finalized.

(Revised May, 2020)

3.8. USE AND STORAGE OF REGULATED PRODUCTS

3.8.1. BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications for the use and storage of regulated products.

3.8.2. FERTILIZERS

Nutrients and biological inoculants used for cultivation include:

- Maxicrop Soluble Seaweed Powder(0-0-17)
- Earth Juice Catalyst
- Foxfarm- Ocean Forest Soil

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

3.8.3. PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Diatomaceous Earth
- Green Cleaner

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

3.8.4. FUELS AND OILS

Fuels and oils stored on site include:

There is a storage shed on site that contains all petroleum products. Gas is stored in 5-gallon gas cans and is placed in secondary containment. A spill kit is maintained on site.

3.9. WASTE MANAGEMENT PLAN

3.9.1. SOLID WASTE MANAGEMENT

Trash and recycling containers are located near the harvest drying structure in a safe secure location. Solid waste and recycling is hauled off-site to the nearest transfer station at least once per week.

3.9.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Stalks and other cannabis plant debris are composted in secure compost location or are hauled to an off-site licensed receiving facility as green waste. Spent potting soil is stored in a contained area with environmental measures in place. Spent soil is covered during winter months and then amended in pots before use in the following cultivation cycle. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

3.9.3. WASTEWATER MANAGEMENT

The water management plan aims to achieve an entirely closed-cycle irrigation and nutrient system. Hand watering methods minimize the over-irrigation of plants and subsequent runoff.

There is a working septic system that serves the parcel. The septic permit is on file with the county and a copy can be provided by the applicant if needed.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished bulk product will be transported off site to a licensed processing and distribution facility.

4.2. PRODUCT INVENTORY AND TRACKING

Next Green Generation APN#221-261-066 will be enrolled in METRC and all required tracking will be performed under the state METRC system.

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable products will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter in accord with the METRC system.

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

Appendix A: Site Plan

Appendix B: Regulated Products Resource List

Fertilizers and Biological Inoculants:

Maxicrop Soluble Seaweed Powder: <http://www.maxicropseaweedpwr.com/site/support-materials/charts>

Earth Juice Hi-Brix Molasses: <http://www.hydro-organics.com/site/support-materials/charts/>

Earth Juice Grow: <http://www.hydro-organics.com/site/support-materials/charts>

Earth Juice Bloom: <http://www.hydro-organics.com/site/support-material/charts>

Pesticides and Fungicides:

Green Cleaner- https://www.1000bulbs.com/product/172201/GROW-749800.html?utm_source=SmartFeedGoogleBase&utm_medium=Shopping&utm_term=GROW-749800&utm_content=Spider+Mites&utm_campaign=SmartFeedGoogleBaseShopping&gclid=Cl-emNGCvdACFZl7gQodnRAFiA

Appendix C: Cultivation Schedule

February 1-April 1st: Clone Propagation

All plants used in Next Green Generation APN#221-261-066 cultivation sites will be composed of clones taken from “mother” plants. Mother plants are composed of samples that have been deemed to demonstrate superior genetics for desired outcomes. Cuttings, or clones, are taken from the mother plants at various intervals.

Clones will be cut from mother plants and will be placed within trays to root. After approximately 2-3 weeks, rooted clones will be transferred to 5” by 5” pots within green houses to acclimate.

April 1 – April 15: Transplant Phase

When the plants have achieved desired height and plant growth density for transplant, the plants are immediately planted into 25 gallon pots. Due to the increase in container size and increase in daylight hours, the plants will continue to grow in a vegetative state for 2-4 weeks. The approximate desired height and growth density would be 3’-4’. Upon final transplant, plants will be hand-watered and fertilized. All fertilizers and supplements used are in accordance with Humboldt County and State of California Department of Agriculture compliance. Once the desired height and vegetative growth density has been achieved the Light Deprivation Phase begins.

April 15 – Jun 15: Light Deprivation Phase-Cycle 1

Taking into account factors such as height, growth density and overall health of the plant, determination of the exact date for the light deprivation process begins. Once that date is determined, 100% light resistant, specifically designed tarps will be manually pulled over the interior structures within the greenhouses. This process will reduce the daylight hours from approximately fifteen (15) hours of daylight to the desired twelve (12) hours of daylight, twelve (12) hours of darkness to induce flowering. During the first two weeks of light deprivation, the plants will enter into a transitional phase. During this transitional phase plants will continue vegetative growth while transitioning into flowering.

It is not uncommon for plants to obtain 25% of their entire height and vegetative growth density during the transitional phase. Once the plants enter in the final bloom or flowering phase, they will begin to expend energy into the production of flowers, therefore, ceasing vegetative growth and begin full flower development. The entire flowering process, including the transitional and final bloom phases, will last fifty-five (55) to sixty-five (65) days depending on strain variation and weather conditions.

June 15 – 22: First Harvest and Re-Planting

Once the light deprivation phase has concluded and it has been determined that the plants are at their peak, harvest procedures will be initiated. (See Section 2.4 of the Cultivation and Operations Plan). The soil in the pots will be turned and amended. All amendments used are in accordance with Humboldt County and State of California Department of Agriculture compliance. New clones obtained from the “mother” will be transplanted into the greenhouses.

Due to the length of daylight hours, the plants will continue in a vegetative state for approximately one month. Plants will be planted using the same methodology as with the Transplant Phase.

June 22 – September 15: Light Deprivation-Cycle 2

See Light Deprivation-Cycle 1 for a description of activities during this phase.

September 15 - September 22 – Second Harvest and Re-Planting

See First Harvest and Re-Planting for a description of activities during this phase.

October 1 – February 1st- Repair, Upgrade and Recondition Phase

Next Green Generation APN#221-261-066 will inspect all cold frames and covers for wear and replace as necessary. All watering hoses, etc. will be inspected and repaired or replaced, as appropriate. Refilling of irrigation tanks will commence in accordance with the Small Irrigation Use Registration and Conditions of the Department of Fish and Wildlife (DFW) Lake or Streambed Alteration Agreement (LSAA) and rain catchment procedure. Pots will be turned over and composted within the greenhouses to prepare for the upcoming season.

Appendix D: References

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.
<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9.>>
Date accessed: July 16, 2014.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.
<<http://www.canorml.org/laws/sb420.html>.> Date accessed: July 21, 2014.

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

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

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.
<<http://www.boe.ca.gov/news/pdf/173.pdf>.>

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008. <http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>

Appendix E: Water Resources Protection Plan (WRPP)

Note: For brevity, only select pertinent sections of the WRIPP have been included. The complete plan including all BMP specifications and the Water Board Order is available in the public record.





GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION



North Coast Regional Water Quality Control Board

September 24, 2019

WDID:1_12CC416905

DAVID ARELLANO
PO BOX 2514
REDWAY, CA 95560

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality
Order WQ 2019-0001-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 WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) 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,


On Behalf Of

Water Boards

2019.09.25 10:16:12 PDT

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

190924_1L_1_12CC416905_1B16133CHUM_Next_Green_Generation_1_NOA_TW

VALERIE L. QUINTO, 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 2019-0001-DWQ, DAVID ARELLANO, HUMBOLDT COUNTY APN(s) 220-261-066

David Arellano (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on June 06, 2019, 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 Policy and 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_12CC416905**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16133CHUM.

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 or entity 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 equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is 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.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

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

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.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

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

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water 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 September 03, 2019, 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 *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 all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement 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.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32.

RECEIVED

MAY 21 2019

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

CDFW - EUREKA



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2018-0450-R1

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

David Arellano
Arellano Water Diversion and Stream Crossings Project
6 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on July 17, 2018, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Redwood Creek and South Fork Eel River watersheds, approximately 1.4 miles west of the town of Redway, County of Humboldt, State of California. The project is located in Section 9, T4S, R3E, Humboldt Base and Meridian; in the Miranda U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 220-261-066; latitude 40.1263 N and longitude 123.8590 W.

PROJECT DESCRIPTION

The project is limited to six encroachments (Table 1). One encroachment is for water diversion from an unnamed tributary to Redwood Creek. Water is diverted for domestic use and irrigation. Work for the water diversion will include use and maintenance of the water diversion infrastructure. The five other proposed encroachments are to upgrade

road/stream crossings. Work for these encroachments will include excavation, removal of the existing culverts, replacement with new culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion.

Table 1. Project Encroachments with Description

ID	Latitude/Longitude	Description
Crossing-1	40.0514, -123.6438	Realign Class III stream to native channel from inside ditch, install a minimum 18" diameter culvert at road/stream crossing
Crossing-2	40.0513, -123.6439	Replace existing 6" diameter culvert with minimum 18" diameter culvert at road/stream crossing
Crossing-3	40.0530, -123.6451	Replace existing 12" diameter culvert with minimum 18" diameter culvert at road/stream crossing, armor inlet and outlet
Crossing-4	40.0531, -123.6468	Decommission existing road/stream crossing
Crossing-5	40.0542, -123.6474	Decommission existing road/stream crossing
POD-1	40.1212, -123.8607	Water diversion from an offset well/cistern along a Class II stream

PROJECT IMPACTS

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

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

Impacts to water quality:

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

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

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

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

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

damage to aquatic habitat and function.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

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

this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on July 17, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Project Timing

- 2.3 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 15 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.4 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2019**. A notice of completed work, including photographs of each site, shall be submitted to CDFW within seven (7) days of project completion.
- 2.5 **Extension of the Work Period.** If weather conditions permit, and the Permittee wishes to extend the work period after October 1, a written request shall be made to CDFW at least 5-working days before the proposed work period variance. Written approval (letter or e-mail) for the proposed time extension must be received from CDFW prior to activities continuing past October 1.
- 2.6 **Avoidance of Nesting Birds.** Vegetation maintenance/removal as necessary within the scope of the project shall be confined to the period commencing August 16 and ending February 28, of any year in which this Agreement is valid, provided the work area is outside of the actively flowing stream. Work may continue during precipitation events provided stream flows have not risen into work areas and sediment delivery will not result.

Vegetation Management

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

Water Diversion

- 2.9 **Maximum Diversion Rate.** The maximum instantaneous diversion rate from the water intake shall not exceed **three (3) gallons per minute (gpm)** at any time.
- 2.10 **Bypass Flow.** The Permittee shall pass **90% of the flow** at all times to keep all aquatic species including fish and other aquatic life in good condition below the point of diversion.
- 2.11 **Seasonal Diversion Minimization.** No more than **150 gallons per day** shall be diverted during the low flow season from **April 1 to December 14** of each year. Water shall be diverted only if the Permittee can adhere to conditions 2.10 and 2.11 of this Agreement.
- 2.12 **Measurement of Diverted Flow.** Permittee shall install and maintain an adequate measuring device for measuring the instantaneous and cumulative rate of diversion. This measurement shall begin as soon as this Agreement is signed by the Permittee. The device shall be installed within the flow of diverted water. The Permittee shall maintain records of diversion, and provide information including, but not limited to the following:
- 2.12.1 The date diversion occurred.
- 2.12.2 The amount of water used per day for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other uses of water (e.g., domestic use or fire protection).
- 2.12.3 Permittee shall make available for review at the request of the department the daily diversion records required by the State Water Resources Control Board (Board) in Attachment A to the Board's Cannabis Cultivation Policy (October 17, 2017), No. 84, pages 40-41 (see Cal. Code Regs., tit. 23, § 2925).

- 2.13 **Water Management Plan.** The Permittee shall submit a Water Management Plan no later than **sixty days** from the time this Agreement is made final that describes how compliance will be achieved under this Agreement. The Water Management Plan shall include details on water storage, water conservation, or other relevant material to maintain water needs in coordination with forbearance and bypass flow requirements. The Water Management Plan shall include a brief narrative describing water use on the property, photographs to support the narrative, and water use calculations to ensure compliance with this Agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

Water Diversion Facility Retrofit

- 2.14 **Intake Structure.** No polluting materials (e.g., particle board, plastic sheeting, bentonite) shall be used to construct or screen, or cover the diversion intake structure.
- 2.15 **Intake Structure Placement.** Infrastructure installed in the streambed (e.g., cistern or spring box) shall not exceed 10 percent of the active channel width and shall not be located in the deepest portion of the channel. The depth of the intake shall be no greater than one foot (12 inches) below the streambed.
- 2.16 **Intake Screening.** The Permittee shall regularly inspect, clean, and maintain screens in good condition.
- 2.16.1 The water intake screens shall be securely attached (e.g., threaded or clamped) to the intake line and have a minimum wetted area of 0.25 square feet and a minimum open area of 27%.
- 2.16.2 A water intake screen with round openings shall not exceed 3/32-inch diameter; a screen with square openings shall not exceed 3/32-inch measured diagonally; and a screen with slotted openings shall not exceed 0.069 inches in width. Slots must be evenly distributed on the screen area.
- 2.16.3 The water intake screen may be constructed of any rigid material, perforated, woven, or slotted. Stainless steel or other corrosion-resistant material is recommended to reduce clogging due to corrosion. Care should be taken not to use materials deemed deleterious to aquatic species.
- 2.16.4 The water intake screen shall be placed in fast moving water with the long axis of the screen parallel to the streamflow. The water intake shall not be placed in pool habitat.
- 2.17 **Intake Shall Not Impede Aquatic Species Passage.** The water diversion structures shall be designed, constructed, and maintained such that they do not constitute a barrier to upstream or downstream movement of aquatic life.

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

Diversion to Storage

- 2.21 Water Storage. All water storage facilities (WSFs) (e.g., reservoirs, storage tanks, mix tanks, and bladders tanks) must be located outside the active 100-year floodplain and outside the top of bank of a stream. Covers/lids shall be securely affixed to water tanks at all times to prevent potential entry by wildlife. Permittee shall cease all water diversion at the point of diversion when WSFs are filled to capacity.
- 2.22 Water Storage Maintenance. WSFs shall have a float valve to shut off the diversion when tanks are full to prevent overflow. The Permittee shall install any other measures necessary to prevent exorbitant use or waste of water. Water shall not leak, overflow, or overtop WSFs at any time. Permittee shall regularly inspect all WSFs and infrastructure used to divert water to storage and use and repair any leaks.
- 2.23 Limitations on Impoundment and Use of Diverted Water. The Permittee shall impound and use water in accordance with a valid water right, including any limitations on when water may be impounded and used, the purpose for which it may be impounded and used, and the location(s) where water may be impounded and used.
- 2.24 Water Conservation. The Permittee shall make best efforts to minimize water use, and to follow best practices for water conservation and management.
- 2.25 State Water Code. This Agreement does not constitute a valid water right. The Permittee shall comply with State Water Code sections 5100 and 1200 et seq. as appropriate for the water diversion and water storage. The application for this registration is found at:
http://www.swrcb.ca.gov/waterrights/publications_forms/forms/docs/sdu_registration.pdf.

Stream Crossings

- 2.26 Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.27 Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.28 Hazardous Spills.** Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.
- 2.29 Dewatering.**
- 2.29.1 Stream Diversion.** Only when work in a flowing stream is unavoidable (e.g., perennial streams), Permittee shall divert the stream flow around or through the work area during construction operations. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- 2.29.2 Maintain Aquatic Life.** When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, Permittee shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code §5937.
- 2.29.3 Stranded Aquatic Life.** The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest suitable aquatic habitat adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern. The Department staff who prepared this agreement shall be contacted immediately if any of these

species are detected.

2.29.4 Coffer Dams. Prior to the start of construction, Permittee shall divert the stream around or through the work area and the work area shall be isolated from the flowing stream. To isolate the work area, water tight coffer dams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized pipe, from upstream of the upstream coffer dam and discharge downstream of the downstream coffer dam. Cofferdams and the stream diversion system shall remain in place and functional throughout the construction period. Cofferdams or stream diversions that fail for any reason shall be repaired immediately.

2.29.5 Minimize Turbidity, Siltation, and Pollution. Permittee shall use only clean, non-erodible materials, such as rock or sandbags that do not contain soil or fine sediment, to construct any temporary stream flow bypass. Permittee shall divert stream flow around the work site in a manner that minimizes turbidity, siltation, and pollution, and does not result in erosion or scour downstream of the diversion.

2.29.6 Remove any Materials upon Completion. Permittee shall remove all materials used for the temporary stream flow bypass after the Authorized Activity is completed.

2.29.7 Restore Normal Flows. Permittee shall restore normal flows to the effected stream immediately upon completion of work at that location.

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

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

2.32 Culvert Installation.

2.32.1 The project is located in a moderate to very high Fire Hazard Severity Zone as designated by CAL FIRE. Culvert materials shall consist of corrugated metal pipe (CMP). Use of High Density Polyethylene (HDPE) pipe shall be prohibited.

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

2.32.3 Culvert shall be installed to grade (not perched or suspended), aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill. If culvert cannot be set to grade, it shall be oriented in the lower third of the fill face, and a downspout or energy dissipator (such as boulders, rip-rap, or rocks) shall be installed above or below the outfall as needed to effectively control stream bed, channel, or bank erosion (scouring, headcutting, or downcutting). The Permittee shall ensure basins are not constructed and channels are not be widened at culvert inlets.

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

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

2.32.6 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.0 times the width of the bankfull channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.

2.33 Crossing Maintenance

2.33.1 The placement of armoring shall be confined to the work period when the stream is dry or at its lowest flow

2.33.2 No heavy equipment shall enter the wetted stream channel.

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

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

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

2.34 Foothill Yellow-legged Frog Avoidance

2.34.1 No crossing construction/reconstruction shall occur if water is present, unless a visual encounter survey is conducted for all life-stages of FYLF by a qualified individual (knowledgeable of all life stages of FYLF and similar species) within the project area no more than two weeks prior to operations.

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

Erosion Control and Pollution

2.36 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.

2.37 Erosion Control. Permittee shall use erosion control measures throughout all work phases where sediment runoff threatens to enter a stream, lake, or other Waters of the State.

2.38 Seed and Mulch. Upon completion of construction operations and/or the onset of wet weather, Permittee shall stabilize exposed soil areas within the work area by applying mulch and seed. Permittee shall restore all exposed or disturbed areas and access points within the stream and riparian zone by applying local native and weed free erosion control grass seeds. Locally native wildflower and/or shrub seeds may also be included in the seed mix. Permittee shall mulch restored areas using at least two to four inches of weed-free clean straw or similar biodegradable mulch over the seeded area. Alternately, Permittee may cover seeding with jute netting, coconut fiber blanket, or similar non-synthetic monofilament netting erosion control blanket.

2.39 Erosion and Sediment Barriers. Permittee shall monitor and maintain all erosion and sediment barriers in good operating condition throughout the work period and the following rainy season, defined herein to mean October 15 through June 15. Maintenance includes, but is not limited to, removal of accumulated sediment and/or replacement of damaged sediment fencing, coir logs, coir rolls, and/or straw bale dikes. If the sediment barrier fails to retain sediment, Permittee shall employ corrective measures, and notify the department immediately.

2.40 Prohibition on Use of Monofilament Netting. To minimize the risk of ensnaring and strangling wildlife, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or

biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

- 2.41 **Site Maintenance.** Permittee shall be responsible for site maintenance including, but not limited to, re-establishing erosion control to minimize surface erosion and ensuring drainage structures and altered streambeds and banks remain sufficiently armored and/or stable.
- 2.42 **Cover Spoil Piles.** Permittee shall have readily available erosion control materials such as wattles, natural fiber mats, or plastic sheeting, to cover and contain exposed spoil piles and exposed areas in order to prevent sediment from moving into a stream or lake. Permittee shall apply and secure these materials prior to rain events to prevent loose soils from entering a stream, lake, or other Waters of the State.
- 2.43 **No Dumping.** Permittee shall not deposit, permit to pass into, or place where it can pass into a stream, lake, or other Waters of the State any material deleterious to fish and wildlife, or abandon, dispose of, or throw away within 150 feet of a stream, lake, or other Waters of the State any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

Stream Restoration

- 2.44 **Stream Restoration Plan.** The Permittee shall submit a Stream Restoration Plan to CDFW prior to conducting remediation activities. The Stream Restoration Plan (SRP) shall detail the dimensions and slopes of the stream channel to be remediated. The SRP shall describe any material utilized to restore the channel to a natural condition. The SRP shall include a revegetation plan for remediation of the impacted channel reach.

3. Reporting Measures

- 3.1 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2019**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.
- 3.2 **Measurement of Diverted Flow.** Copies of the **Water Diversion Records** (condition 2.12) shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501 no later than **December 31** of each year beginning in **2019**.
- 3.3 **Water Management Plan.** The Permittee shall submit a **Water Management Plan** (condition 2.13) within **60 days** from the effective date of this agreement. The Water Management Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501.

- 3.4 Project Inspection. The Permittee shall submit the **Project Inspection Report** (condition 2.35) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501.
- 3.5 Stream Restoration Plan. The Permittee shall submit a **Stream Restoration Plan** (condition 2.44) by **June 15, 2019**. The Stream Restoration Plan shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501. Revegetation Plan.

CONTACT INFORMATION

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

To Permittee:

David Arellano
Next Green Generation
P.O. Box 2514
Redway, California 95560
707-223-6322
agrmultiservices@hotmail.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2018-0450-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers,

employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

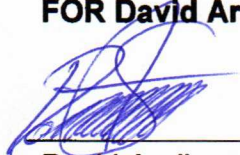
AUTHORIZATION

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

CONCURRENCE

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

FOR David Arellano

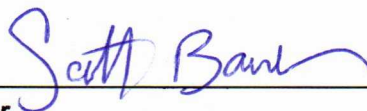


David Arellano

5/17/2019

Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer

Senior Environmental Scientist Supervisor

5/21/19

Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, May 6, 2019

TO: Max Hilken
County of Humboldt
Planning & Building Department
Cannabis Services Division
3015 H St.
Eureka, California 95501



FROM: Andy Sorter, P.E.
Principal Engineer - OurEvolution Engineering, Inc. (OE)
1821 Buttermilk Lane, Arcata CA 95521

RE: Next Green Generation – APN 220-261-066
Response to County Letter, Section 4, dated April 16th, 2019

DATE: December 30th, 2019

1 BACKGROUND & PURPOSE

The property identified by APN 220-261-066 and located near Redway, CA is the subject of an existing 7,840 SF commercial cannabis cultivation application in accordance with Humboldt County Commercial Medical Marijuana Land Use Ordinance (Ordinance No. 2554). On April 16th, 2019 Next Green Generation received a letter from Max Hilken of the County of Humboldt Planning & Building Department Cannabis Services Division documenting the finding of 4 incomplete items. Number 4 of the listed items is the subject of this technical memorandum and is excerpted below:

In order to recommend approval, a finding that the project is consistent with the Humboldt County General Plan must be made. One of the General Plan policies states "New Development may be approved only if it can be demonstrated that the proposed development will neither create nor significantly contribute to, or be impacted by, geological instability or geologic hazards" (2017 Humboldt County General Plan, section S-P111). As the subject property and the surrounding area are located in an area with a High Slope Instability rating, that there is a mapped historic landslide on the subject property and landslides on surrounding properties, and the slopes range from 15 percent or greater, at this time there is insufficient

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documentation demonstrating that a project would not create nor significantly contribute to, or be impacted by, geological instability or geologic hazards. In order to continue processing the project, a written evaluation of the suitability of the project location for the economic lifespan of the project prepared by a California Licensed engineer OR a geologist (or an engineering geologist) needs to be submitted. This evaluation needs to consider whether the project will create or contribute to, or be impacted by, geological instability or geologic hazards for the economic lifespan of the project. This evaluation needs to be signed and stamped by the report preparer.

This purpose of this report is to:

1. Document the background geology and conditions on the site relevant to the County request.
2. Describe any potential for the project to create or be impacted by any geological instability or geologic hazards.
3. Describe any existing or recommended mitigations for positive findings in (2) to support the project for its economic lifespan.

2 SITE BACKGROUND

Date of Investigation: 8/30/2019

Weather: Sunny, dry. $\pm 61^{\circ}\text{F}$

Location Coordinates: 40.1279, -123.8601 Parcel Centroid

Parcel Size: 23.45 acres (per Humboldt County webGIS)

Topographic Quadrangle: Miranda, CA

Elevation: Min ± 460 FT, Max ± 850 FT

Earth Cover: ± 2.16 acres grass cover ($\pm 9.3\%$), ± 21 acres forested hardwoods & conifers (90.7%)

Soil Drainage: No sub-surface exploration was performed, but based on appearance & type of vegetation, as well as experience with similar explorations in the area the soils are presumed to be moderately well drained to well drained.

3 GEOLOGIC SETTING

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The property is located within California's Northern Coast Ranges Geomorphic Province, a seismically active region in which large earthquakes are expected to occur during the economic life span (50 years) of any developments on the subject property. As mapped by McLaughlin et al., (2000), the site is underlain by mélangé (cm1), Central belt of the Franciscan Complex.

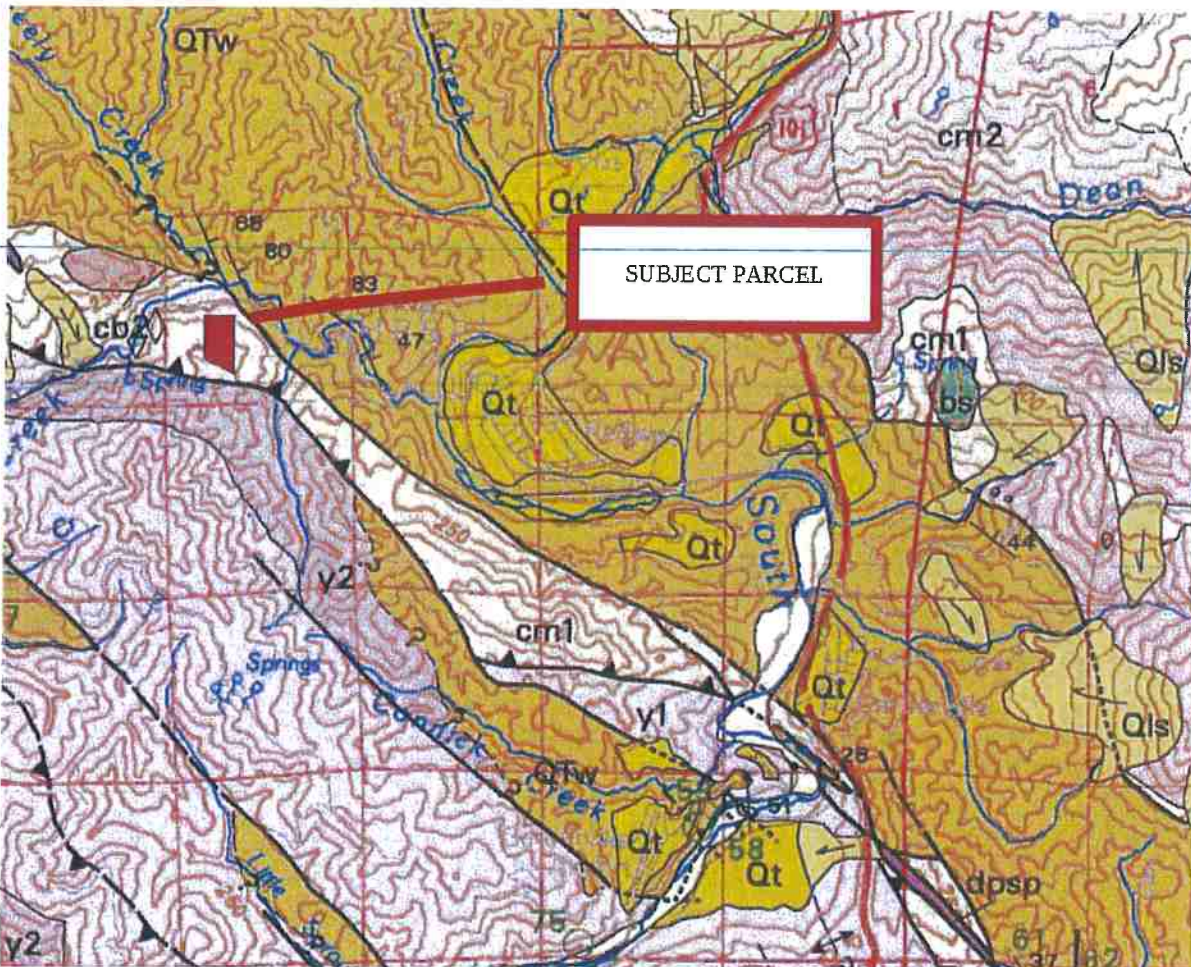


FIGURE 1: DETAIL VIEW OF GEOLOGIC MAPS (MCLAUGHLIN ET. AL. 2000) SHOWING SUBJECT PARCEL AND NEARBY AREAS. PARCEL INTERSECTS MAPPED AREA DESIGNATING MELANGE UNDERLAY. (CM1)

NEHRP Soil Type: C

SLOPES:

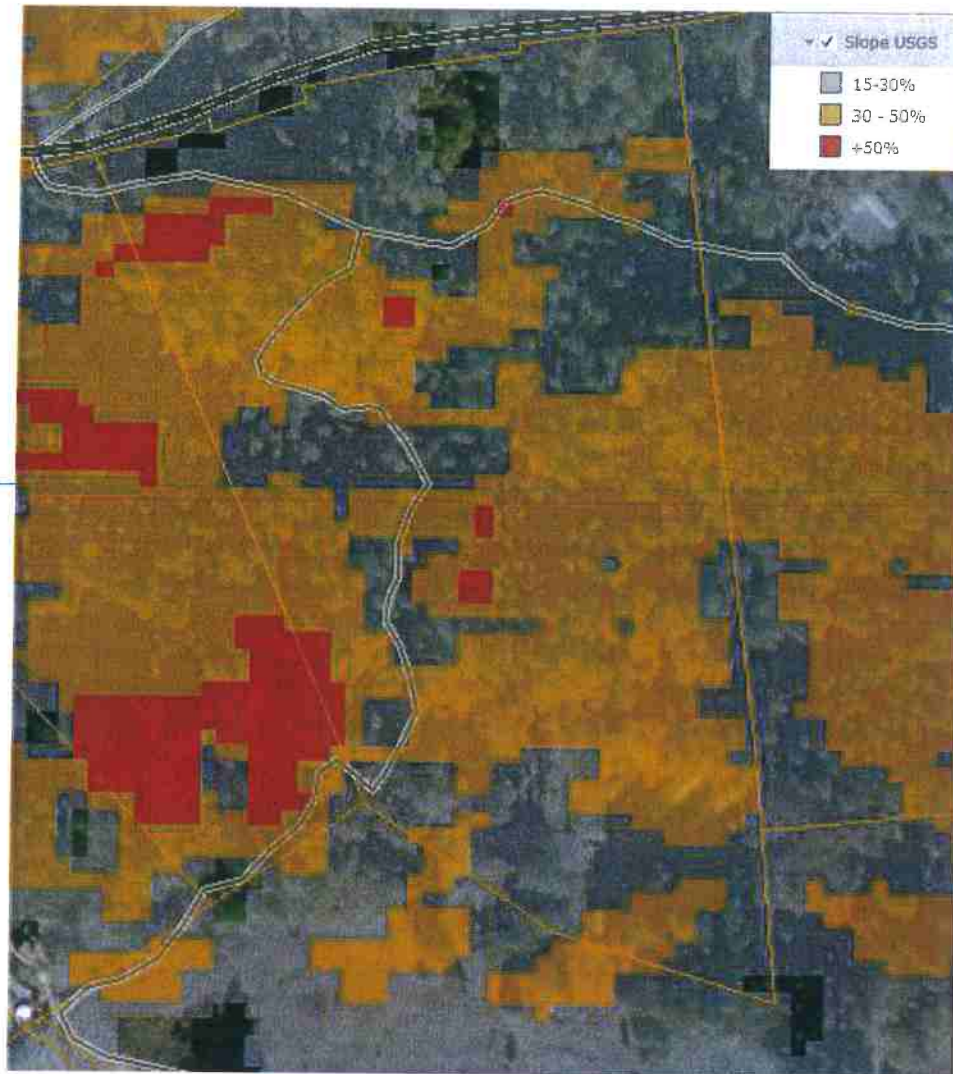


FIGURE 2: HUMBOLDT WEBGIS SLOPE MAPPING SHOWN AS FOLLOWS FOR SLOPES: 0-15% GREEN, 15-30% GRAY, 30-50% YELLOW, >50% RED.

Slopes on the property are mostly in the 15-30% or 30-50% range. While mapping shows the greenhouses located in an area with 30-50% slopes, actual slopes lie roughly in the 13-30% range between constructed terraces with the steepest location located between two of the greenhouses and stabilized by use of a 3-4 FT ecology block retaining wall. See images below going from top to bottom:



FIGURE 3: TOP-MOST GREENHOUSE LOOKING APPROXIMATELY SOUTHWEST.

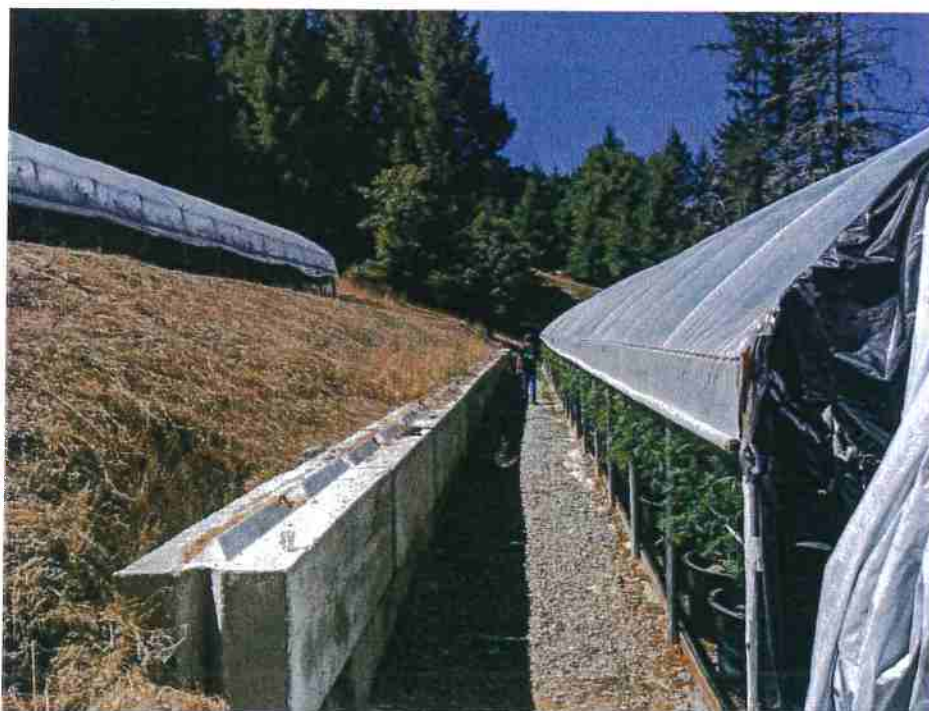


FIGURE 4: MIDDLE GREENHOUSE LOOKING APPROXIMATELY SOUTHWEST. NOTE

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FIGURE 5: BOTTOM-MOST GREENHOUSE LOOKING APPROXIMATELY WEST-SOUTHWEST.

DRAINAGE: Drainage on the parcel is generally to the North with two main established channels. Man made drainage is presently being directed into or toward these channels and appears to be functioning well.

SUBSURFACE SOIL CONDITONS: Not assessed.

4 GEOLOGIC HAZARDS

Due to the proximity of seismic sources, our geologic hazard assessment focused on slope stability and strong ground shaking. Also addressed are the potential for liquefaction of shallow saturated soils and differential settlement. Our assessment of these and other common potential geologic hazards is presented below.

4.1 GENERAL SEISMICITY

The project is located nearby several undifferentiated quaternary faults. The parcel is located within 0.2 miles of mapped locations of the Garberville-Briceland Fault Zone and approximately 12 miles from, and outside of the nearest point of the Alquist Priolo Fault Hazard Zone. In

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addition, the subject property is situated within a seismically active area proximal to multiple seismic sources capable of generating moderate to strong ground motions. Given the proximity of significant active faults, the Mendocino triple junction, and the Cascadia subduction zone offshore to the west and northwest, as well as other active and quaternary faults within and offshore of northern California, this project site is likely to experience strong ground shaking during the economic life span (50 years) of the graded Cultivation Areas and other site developments. This high to very high level of risk of seismic hazard is typical for Northern California, and residents assume this risk when they choose to build in this area. Earthquakes capable of causing intense ground shaking and structural damage can be expected to occur within the design life of the proposed structure (50+ years). Residents should be aware of this inherent risk and should understand that these risks cannot be fully eliminated with engineered design.

4.2 SEISMIC GROUND MOTION

As required, all structural design should be in conformance with the 2016 California Building Code (CBC) Seismic Design Category (SDC) E (Section 1613A, 2016 CBC). Latitude and Longitude values were taken from the Humboldt County Web GIS website (County of Humboldt, 2019). Site-specific soil parameters were calculated using the USGS U.S. Seismic Design Maps (Table 1) (USGS, 2019):

Type	Value	Description
S_s	2.419	MCE_R ground motion. (for 0.2 second period)
S_1	0.992	MCE_R ground motion. (for 1.0s period)
S_{MS}	2.419	Site-modified spectral acceleration value
S_{M1}	1.488	Site-modified spectral acceleration value
S_{DS}	1.613	Numeric seismic design value at 0.2 second SA
S_{D1}	0.992	Numeric seismic design value at 1.0 second SA
SDC	E	Seismic design category
F_a	1	Site amplification factor at 0.2 second
F_v	1.5	Site amplification factor at 1.0 second
PGA	0.935	MCE_G peak ground acceleration
F_{PGA}	1	Site amplification factor at PGA
PGA_M	0.935	Site modified peak ground acceleration
T_L	12	Long-period transition period in seconds
S_{sRT}	2.587	Probabilistic risk-targeted ground motion. (0.2 second)

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SsUH	2.767	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration
SsD	2.419	Factored deterministic acceleration value. (0.2 second)
S1RT	1.105	Probabilistic risk-targeted ground motion. (1.0 second)
S1UH	1.206	Factored uniform-hazard (2% probability of exceedance in 50 years) spectral acceleration.
S1D	0.992	Factored deterministic acceleration value. (1.0 second)
PGAd	0.935	Factored deterministic acceleration value. (Peak Ground Acceleration)
C _{RS}	0.935	Mapped value of the risk coefficient at short periods
C _{R1}	0.916	Mapped value of the risk coefficient at a period of 1 s

4.3 LIQUEFACTION:

While a subsurface exploration of soils was not performed, surface examination of old cut-faces in developed areas of the parcel revealed dense rocky soil with no evidence of perched groundwater or soil saturation. The available evidence, including the apparently well-draining soil appears represent minimal risk of liquefaction. The site is not located in a region susceptible to potential liquefaction per Humboldt County webGIS.

4.4 SURFACE FAULT RUPTURE

The nearest recognized historic active fault to the project is the San Andreas fault, located approximately 12 miles southwest of the project location. The subject parcels are not located within an Alquist-Priolo earthquake fault zones in which the State requires special studies to be conducted for construction of structures for human occupancy. Due to the distance from the site to the nearest recognized active fault, and based on the information available, the potential for ground surface fault rupture within this parcel is relatively low and on par with many developed areas in Humboldt County.

4.5 FLOOD

The project site is located approximately at least 300-500 feet in elevation above the nearest blue-line stream and is not considered to be within a flood prone area. The hazard for flooding is considered low.

4.6 TSUNAMI

The site is located over 12 miles from the nearest point of shoreline with the Pacific Ocean with an approximate minimum elevation of 460 feet. The project is located outside of any mapped

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Tsunami hazard zone per Humboldt County WebGIS. The risk of tsunami is considered extremely low.

4.7 DIFFERENTIAL SETTLEMENT

All load-bearing structures should have a subsurface soil exploration performed prior to building. Site specific findings with regard to competent bearing soils should form the basis for recommendations on differential settlement and foundation design. Field evaluation did not reveal any signs or indications to suspect that soils at the project site would be unsuitable for building.

4.8 SOIL EXPANSION / SHRINKAGE

All load-bearing structures should have a subsurface soil exploration performed prior to building. Site specific findings with regard to expansive soils should be used to inform an assessment of risk and specific guidelines and recommendations for foundation design and other development.

4.9 SLOPE STABILITY, LANDSLIDES & DRAINAGE



FIGURE 6: HUMBOLDT WEBGIS LAYERS SHOWING THE SUBJECT PARCEL IN BLUE ALONG WITH COLORED SLOPES (0-15% GREY, 15-30% YELLOW, >50% RED) AND SHADED AREAS SHOWING HISTORIC LANDSLIDES.

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The region surrounding the subject parcel has several mapped historic landslides, and the subject parcel intersects with the boundaries of two such slides. Most of the nearby mapped landslides, though not all, appear to be associated with slopes in excess of 50% and the subject parcel has only a small fraction of such slopes. Development on the subject parcel has been located in areas with comparatively lower slopes and is generally setback from areas with steep slopes with the exception of one of the greenhouses, for which recommendations for mitigation of risks have been made in section 5: *RECOMMENDATIONS FOR MITIGATION OF GEOLOGIC HAZARDS*. Analysis of trees on the property shows relatively little movement within the last 25 years in and around the project locations. In general, and assuming recommendations from section 5: *RECOMMENDATIONS FOR MITIGATION OF GEOLOGIC HAZARDS* are followed, developed locations on the parcel appear stable and at low risk of landslides during the economic lifespan of the project (50 years). However, engineering design cannot mitigate the entirety of this risk and a landslide during the economic lifespan is possible. Landowners should be careful not to interrupt natural drainage patterns, and drainage infrastructure should be installed as appropriate in developed areas to collect and direct water to locations where it can be safely discharged.

4.10 GROUNDWATER

While a subsurface exploration and soils investigation was not performed at the project site, problematic groundwater is not anticipated. No existing or proposed development on the subject parcel involves construction of a subsurface floor, but if this changes, a full soil investigation should be performed which should assess for the possibility of high groundwater.

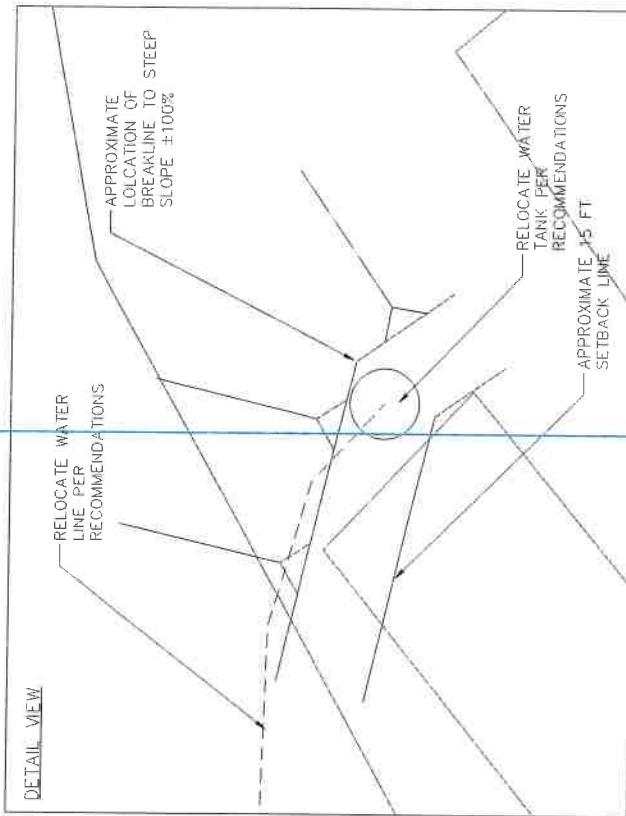
5 RECOMMENDATIONS FOR MITIGATION OF GEOLOGIC HAZARDS

See attached mapping for additional information. The following recommendations are believed to be sufficient to minimize the risk of the potential for the project to create or be impacted by any geological instability or geologic hazards for the duration of the economic lifespan of the project. These recommendations cover only the site and project as it existed during the August 2019 inspection performed by OE. Future developments should specify required mitigations and recommendations to maintain reduced risk as determined by a qualified professional.

1. Maintain and regularly inspect the existing surfacing and drainage features including but not limited to those on greenhouse terraces and water tank flat to ensure adequate drainage and sloughing of water is occurring. Do not alter natural flow-paths.
2. All surface runoff from developed or paved areas of the lot should be controlled to flow and drain away or be routed in such a manner as to not affect slope stability or the

- integrity of the foundation soil. Ensure all manmade drainage features discharge onto slopes <20%, with adequate armoring or erosion control features.
3. Setback all non-native loads, structures, non-native materials, and activities from the breakline / steep slope shown on the attached map. Ensure 15-foot setback from the edge of any non-native materials to the slope breakline. Avoid all activities in this region, including foot traffic.
 4. Relocate waterlines and water tanks away from the breakline as depicted, to a location where failure of the tank or line will not discharge water toward the steep slope.
 5. Gutters are to extend along all roof lines and lead to down spouts. In turn, down spouts should lead to pipes carrying roof runoff away from the building site, as well as any fill or foundations that may adversely affect the site soil or adjacent slopes.
 6. Avoid disturbance of natural vegetation in unsurfaced areas.
-

SUPPORTING MAPPING FOR GEOLOGIC REPORT: NEXT GREEN GENERATION – ARELLANO – APN: 220-261-066



NOTES:

1. MAP IS REPRESENTATIVE ONLY AREA HAS NOT BEEN SURVEYED AND WRITTEN DIMENSIONS SUPERCEDE SCALED DIMENSIONS.
2. THIS MAP IS SUPPLEMENTARY AND INFORMATIVE TO A GEOLOGIC REPORT AND IS NOT A STAND-ALONE DOCUMENT.
3. MAP IS NOT INTENDED TO BE A COMPLETE REPRESENTATION OF THE SITE OR ACTIVITIES REFER TO COUNTY SITE PLAN AND OTHER PERMITTING DOCUMENTS.
4. SEE ALL RECOMMENDATIONS IN REPORT. SETBACK ALL NON-NATIVE LOADS AND MATERIALS AT LEAST 15 FEET FROM BREAK LINE. AVOID ACTIVITIES WITHIN THE 15-FT SETBACK INCLUDING FOOT TRAFFIC. REMOVE WATER LINES AND WATER TANK TO OUTSIDE OF SETBACK AND ENSURE THE FLOWPATH OF WATER RESULTING FROM FAILURE OF THE TANK OR WATER LINE WILL NOT BE DISCHARGED TOWARD THE STEEP SLOPE.

NEXT GREEN GENERATION - DAVID ARELLANO
3156 BRICELAND ROAD
WHITTIER, CA 95589
APN: 220-261-066
SUPPORTING MAPPING FOR GEOLOGIC REPORT

OUR EVOLUTION
ENERGY & ENGINEERING
1821 BUTTERMILK LANE
ARCATA, CA 95521
707.693.4210
WWW.OUREVOLUTION.COM

NO.	HISTORY / REVISION	BY	CHK.	DATE

DRAWN: SAC
CHECK: SAC
APPROVED: A.S.
DATE: 12/31/19
JOB NO: 19-314
SHEET: 1

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
Environmental Health Division	✓	Conditional approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
CA Department of Fish & Wildlife	✓	Conditional approval	Attached
CAL FIRE	✓	Comments	Attached
NWIC	✓	Further study	On file with Planning (confidential)
Bear River Band of the Rohnerville Rancheria	✓	Conditional approval	On file with Planning (confidential)
Intertribal Sinkyone Wilderness Council		No response	
RWQCB		No response	
Humboldt County Sheriff		No response	
Humboldt County Agriculture Commissioner		No response	
Humboldt County District Attorney		No response	
Southern Humboldt Unified School District		No response	

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: August 29, 2017



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

Attention: Cannabis Planner (CPOD)
Applicant: Next Green Generation
APN: 220-261-066-000
Area: Briceland
Case Numbers: SP16-249

Humboldt County Application #: 11532
Type of Application: Special Permit
Date Received: 8/25/2017
Due Date: 9/7/2017

Project Description: A Special Permit for 7,078 square feet of existing mixed-light medical cannabis cultivation operation. Irrigation water is provided from a surface water diversion from an "unnamed" spring. Water is pumped and stored in 23,550 gallons of hard water storage tanks. The Applicant estimates 84,000 gallons of water are needed for cultivation activities from April to October. Harvesting, drying and curing of harvested cannabis will occur on-site at the 800 square foot processing facility close to the main residence. The Applicant will have up to two (2) full-time seasonal employees. Pacific Gas & Electric provides electricity for domestic uses. The use of the on-site generator is limited to power outages.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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



California Department of Fish and Wildlife CEQA: Project Referral Comments

Applicant: Sanchez, Next Green Generation		Date: 01/03/2018	
APPS No.: 11532	APN: 220-261-066	DFW CEQA No.: 2017-0587	Case No.: SP16-249
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 7,078	<input type="checkbox"/> Outdoor (SF): <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

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

Please note the following site-specific comments and conditions:

- ☒ The Project proposes to utilize mixed-light cultivation within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) habitat. CDFW requests, as a condition of Project approval, that scoping be conducted by an experienced qualified professional to assess the potential for presence/absence of NSO nesting/roosting habitat. CDFW further requests that mixed-light cultivation methods (including use of fans, lights, and generators) be prohibited at this site until scoping reports have been submitted to and reviewed by CDFW. Prior to completion of the scoping processes, CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft.
- ☒ All or part of the Project is located within the CDFW recommended minimum setback area. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers. CDFW requests confirmation of this setback prior to Project approval.
- ☒ A Notification of Lake or Streambed Alteration (1600-2017-0456-R1) has been submitted by the applicant.

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

- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.

- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Northern Spotted Owl (*Strix occidentalis caurina*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Coastal Rainbow Trout (*O. mykiss irideus*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Please confirm that you have received this email.

Sincerely,

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



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



RECEIVED

8/24/2017

AUG 28 2017

PROJECT REFERRAL TO: Public Works Land Use Division

HUMBOLDT CO. PUBLIC WORKS
LAND USE DIVISION

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Sheriff's Department, Briceland Fire Protection District, Southern Humboldt Joint Unified School District

Applicant Name Next Green Generation **Key Parcel Number** 220-261-066-000

Application (APPS#) 11532 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-249

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

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

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

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

Return Response No Later Than 9/8/2017

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: _____

PRINT NAME: _____



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

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

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 02-07-2018

RE:

Applicant Name	NEXT GREEN GENERATION
APN	220-261-066
APPS#	11532

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Public Works Recommended Conditions of Approval

APPS # 11532

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.

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:

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.

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.

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.

Surface 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.

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.

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 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.

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.

u:\pwrk\landdevprojects\referrals\forms\ cannabis standard conditions (10-23-2017).docx

Exhibit "D"

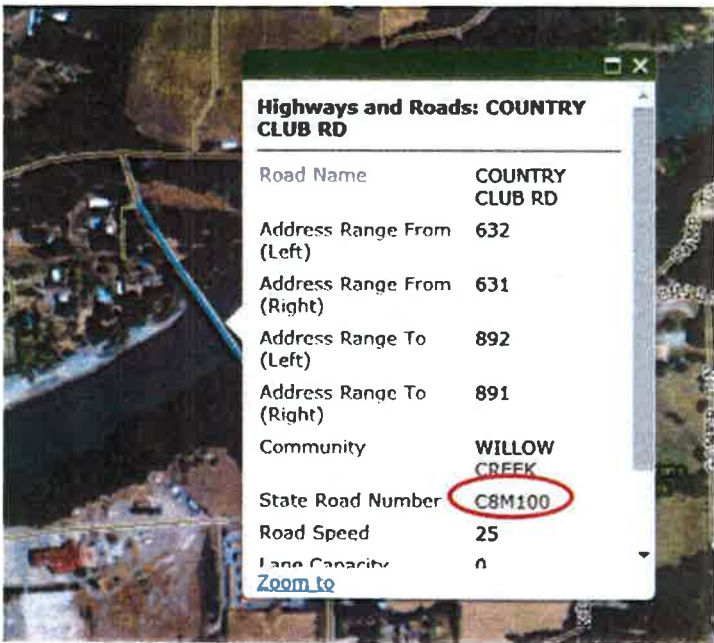
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

ABCDDD	
A 3 M 0 2 0	Murray Road
F 6 B 1 6 5	Alderpoint Road
6 C 0 4 0	Thomas Road

Exhibit "D"

Road Evaluation Reports

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

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

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

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Benbow Drive	6B180	Oakcrest Dr to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Fickle Hill Road	C5J040	Arcata city limits at PM to PM [end of centerline stripe]
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Murray Road	C3M020	All
Old Three Creeks	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [End of County maintained]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"

Road Evaluation Reports

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

// END //



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



DEH Received
8-25-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Sheriff's Department, Brice Land Fire Protection District, Southern Humboldt Joint Unified School District

17/18-0438

Applicant Name Next Green Generation **Key Parcel Number** 220-261-066-000

Application (APPS#) 11532 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-249

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

(1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.

(2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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

PLN-11532-SP Next Green Generation June 4, 2020
Response Date: 3/1/2018 **Recommendation By:** Adam Molofsky

DISTRIBUTED

3-2-18

Page 104 2746



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



8/24/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Sheriff's Department, Briceland Fire Protection District, Southern Humboldt Joint Unified School District

Applicant Name Next Green Generation **Key Parcel Number** 220-261-066-000

Application (APPS#) 11532 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-249

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

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

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

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

Return Response No Later Than 9/8/2017

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

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

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

☒ Other Comments: _____

DATE: 9-22-17

PRINT NAME: Gusto Dunier

220-261-066



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11532 (44712)
Parcel No.: 220-261-066
Case No.: SP16-249

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

☐ Site/plot plan appears to be accurate.

☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

☐ Existing operation appears to have expanded, see comments: _____

☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

☐ Proposed new operation has already started.

☐ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

☒ Other Comments: See photos @ SP16-249 folder 220-261-066
- unsafe wiring exists. grading has been done.

Name: Custin Dumlac

Date: 9-22-17

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

9-21-17 200-261-066

Princeton/Thornfield



Residence



not shown

Water Tank not shown



Grading not shown



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Tank's



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