



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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

Hearing Date: July 9, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Next Green Generation, Inc. Special Permit**  
Record Number: PLN-12182-SP  
Assessor's Parcel Numbers (APNs): 217-101-002 and 217-101-017  
197 Colony Road, Eel Rock area

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 9, 2020	Special Permit	Meghan Ryan

**Project Description:** A Special Permit for 7,600 square feet of existing cannabis cultivation consisting of 5,150 square feet mixed light and 2,450 square feet outdoor cultivation areas within three greenhouses. Mixed light cultivation occur in two greenhouses. Outdoor cultivation occurs in one 1,180-square-foot greenhouse and there is a 608-square-foot outdoor cultivation area. A 1,600-square-foot greenhouse will be used for propagation, which is located on APN 217-171-017. Cultivation activities extend all year with cultivation occurring from February to October and maintenance activities occurring during the late fall and winter months. Approximately 80,000 gallons of water are needed annually. Water for irrigation is provided by a well located on APN 217-101-017. There is 86,500 gallons of water storage in hard-sided tanks. An additional 15,000 gallons of hard-sided tank storage is proposed. Processing, including drying, curing and trimming, of harvested cannabis will occur on-site in two existing sheds. The applicant may also choose to process at a licensed, off-site processing facility. There will be a maximum of two employees during peak operations. Power is provided by a solar array and the use of the on-site generator is limited to power outages. The applicant is proposing to connect to on-grid power in the future.

**Project Location:** The project is located in Humboldt County, in the Eel Rock area, on the east side of Colony Road, approximately 875 feet south from the intersection of Eel Rock Road and Colony Road, on the property known as 197 Colony 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).

**Present Zoning:** Unclassified (U).

**Record Number:** PLN-12182-SP

**Assessor Parcel Numbers:** 217-101-002 and 217-101-017

**Applicant**

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

**Owners**

Louis Peek  
PO Box 96  
Myers Flat, CA 95554

David Arellano  
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-12182-SP  
Assessor's Parcel Numbers: 217-101-002 and 217-101-017

**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 7,600 square feet consisting of 5,150 square feet mixed light and 2,450 square feet outdoor cannabis cultivation within three greenhouses located on Assessor's Parcel Number (APN) 217-101-002, which is approximately 4.31 acres in size. There will be two harvests annually of the outdoor cultivation and a maximum of five harvests of the mixed light cultivation. There is a 1,600-square-foot greenhouse used for propagation location on APN 217-101-017, which is adjacent to the subject parcel and owned by the applicant. The propagation greenhouse will be used to propagate juvenile plants for future cultivation. Processing, including drying, curing and processing, of harvested cannabis will occur within two existing sheds on the subject parcel. The applicant may also process at a licensed, off-site processing facility. The applicant will a maximum of two employees. Power is provided by a solar array and generators are used for back-up/emergency power source only. The applicant is proposing to connect to on-grid power in the future. The use of the on-site generator is limited to power outages. Access to the site is located off Colony Road, which is 800 feet from it's intersection with Eel Rock Road. Eel Rock Road is a County-maintained road that is approved for use by the Department of Public Works. The entry to the subject parcel is secured by an entry gate on Colony Road, remains locked at all times and is signed indicating restricted access. The applicant will improve the intersection where it intersects with Eel Rock Road to meet or exceed all County requirements and ensure traffic safety.

Annual water use is 80,000 gallons. Irrigation water is sourced from an on-site groundwater well. There is 86,500 gallons of water storage. Annual water use is 80,000 gallons. Irrigation water is sourced from a groundwater well located on APN 217-101-017. There 86,500 gallons of water storage and the project includes installation of 15,000 gallons of additionally storage. The applicant will be able to utilized stored water throughout the cultivation season. No additional ground disturbance is required; proposed water storage will be placed previously disturbed portions of the subject parcel. A Final Streambed Alteration Agreement (LSAA) is pending the California Department of Fish and Wildlife (CDFW). The Water Resources Protection Plan required replacement of one undersized culvert. The applicant is required to provide the Final Streambed Alteration Agreement, proof of enrollment into the State Cannabis Cultivation program and to obtain water rights for use and storage of water from the well if the well is found to be connected to surface waters.

The California Natural Diversity Database (CNDDDB) did not identify any known rare or sensitive species with the potential to occur on the subject parcel. The subject parcel is located in an area that requires special noise attenuation measures. The nearest Northern Spotted Owl (NSO) observation is located 0.20 miles to the south and the nearest mapped NSO activity centers are located 1.61 miles to the northwest and southwest of the cultivation area. Marbled murrelet habitat are located more than 4 miles from the subject parcel. Power is provided by a solar array. A backup generator would be used only in cases of power outages. The applicant proposed to connect to on-grid power in the future. Conditions of approval require 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 is pending with the California Department of Fish and Wildlife (CDFW). The applicant is required to provide proof of enrollment into the State Cannabis Cultivation program as a condition of approval.

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-12182-SP  
Assessor Parcel Numbers: 217-101-002 and 217-101-017**

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

**WHEREAS**, Next Green Generation, Inc., submitted an application and evidence in support of approving a Special Permit (SP) for 7,600 square feet of existing cannabis cultivation consisting of 5,150 square feet mixed light and 2,450 square feet outdoor cultivation. There will be two harvests annually of outdoor cultivation and a maximum of five harvests for the mixed light cultivation. Water is provided by a well located on APN 217-101-017. Water storage totals 86,500 gallons. Processing, including drying, curing, and trimming, will occur in two existing sheds. The applicant may choose to process at a licensed off-site processing facility as well. There will be a maximum of two employees; and

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

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

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-12182-SP); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on July 9, 2020.

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

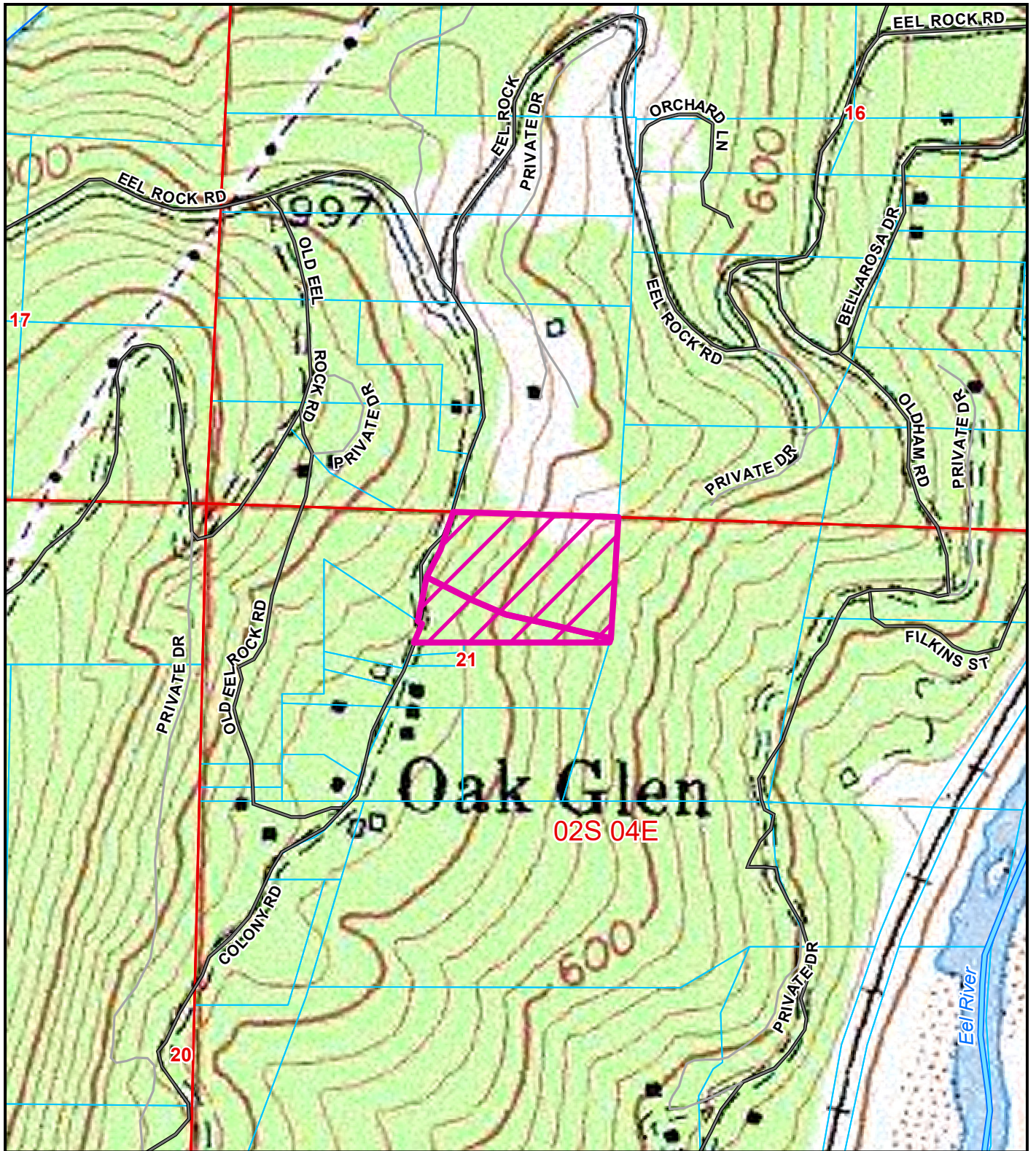
1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Zoning Administrator staff report for the Special Permit (Record Number PLN-12182-SP) based on the submitted substantial evidence; and
3. The Special Permit (Record Number PLN-12182-SP) are approved as recommended and conditioned in Attachment 1 for Record Number PLN-12182-SP.

Adopted after review and consideration of all the evidence on July 9, 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.

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John Ford  
Zoning Administrator  
Planning and Building Department



Project Area =



**TOPO MAP  
PROPOSED NEXT GREEN GENERATION  
BLOCKSBURG AREA  
PLN-12182-SP  
APN: 217-101-002; ET AL.  
T02S R04E S21 HB&M (BLOCKSBURG)**



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.

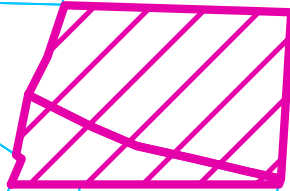
0 550 1,100 Feet



TPZ

U

TPZ



Project Area =

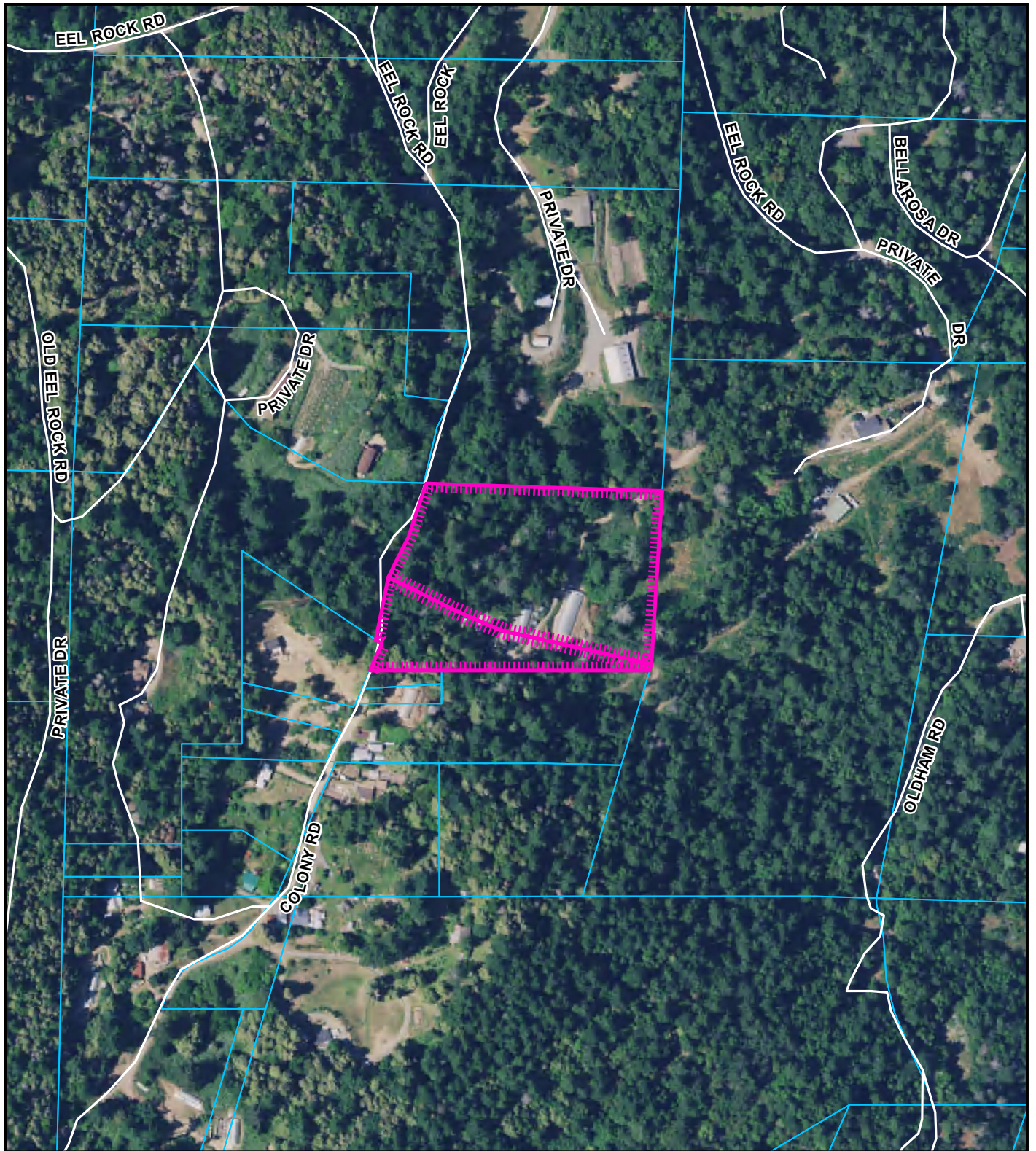


**ZONING MAP  
PROPOSED NEXT GREEN GENERATION  
BLOCKSBURG AREA  
PLN-12182-SP  
APN: 217-101-002; ET AL.  
T02S R04E S21 HB&M (BLOCKSBURG)**



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.

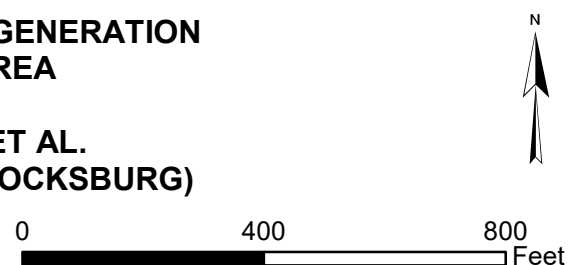
0 550 1,100 Feet



Project Area = 

**AERIAL MAP  
PROPOSED NEXT GREEN GENERATION  
BLOCKSBURG AREA  
PLN-12182-SP  
APN: 217-101-002; ET AL.  
T02S R04E S21 HB&M (BLOCKSBURG)**

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.





HUMBOLDT COUNTY PLANNING DEPARTMENT  
3015 H ST, EUREKA, CA 95501

GET ON US-101 S FROM H ST, F ST, FAIRWAY DR AND HERRICK AVE  
6 MIN (3.2 MI)

FOLLOW US-101 S TO CA-254 S IN MYERS FLAT. TAKE EXIT 656 FROM US-101 S  
43 MIN (46.4 MI)

CONTINUE ON CA-254 S. TAKE ELK CREEK RD, DYERVILLE LOOP RD AND EEL ROCK RD TO COLONY RD  
23 MIN (11.2 MI)  
197 COLONY RD  
MYERS FLAT, CA 95554

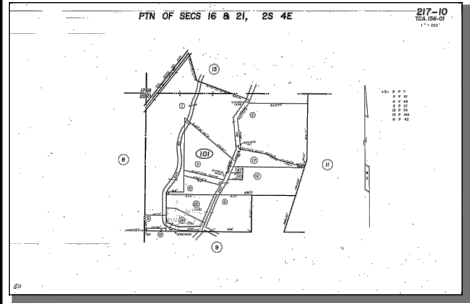
LAT: 40.284564  
LONG: -123.739630

WATER: WELL AND SPRING DIVERSION, DOMESTIC IS DEEDED REGISTERED SPRING  
DIVERSION ON NEIGHBORING PARCEL SAME OWNER.  
WASTE WATER: SEPTIC CREEKS / STREAMS: YES  
FLOOD ZONE: NO  
POWER: SOLAR WITH GENERATOR BACKUP WITH PGE DROP PROPOSED

GRADING: NO  
TREES TO BE REMOVED: NO  
COASTAL ZONE: NO  
FLOOD ZONE: NO

ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS. YES  
ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS. YES

THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RECOURCES WITHIN 600' OF CULTIVATION AREAS.  
THERE ARE NO OFFSITE RESIDENCES WITHIN 300' OF CULTIVATION AREAS.

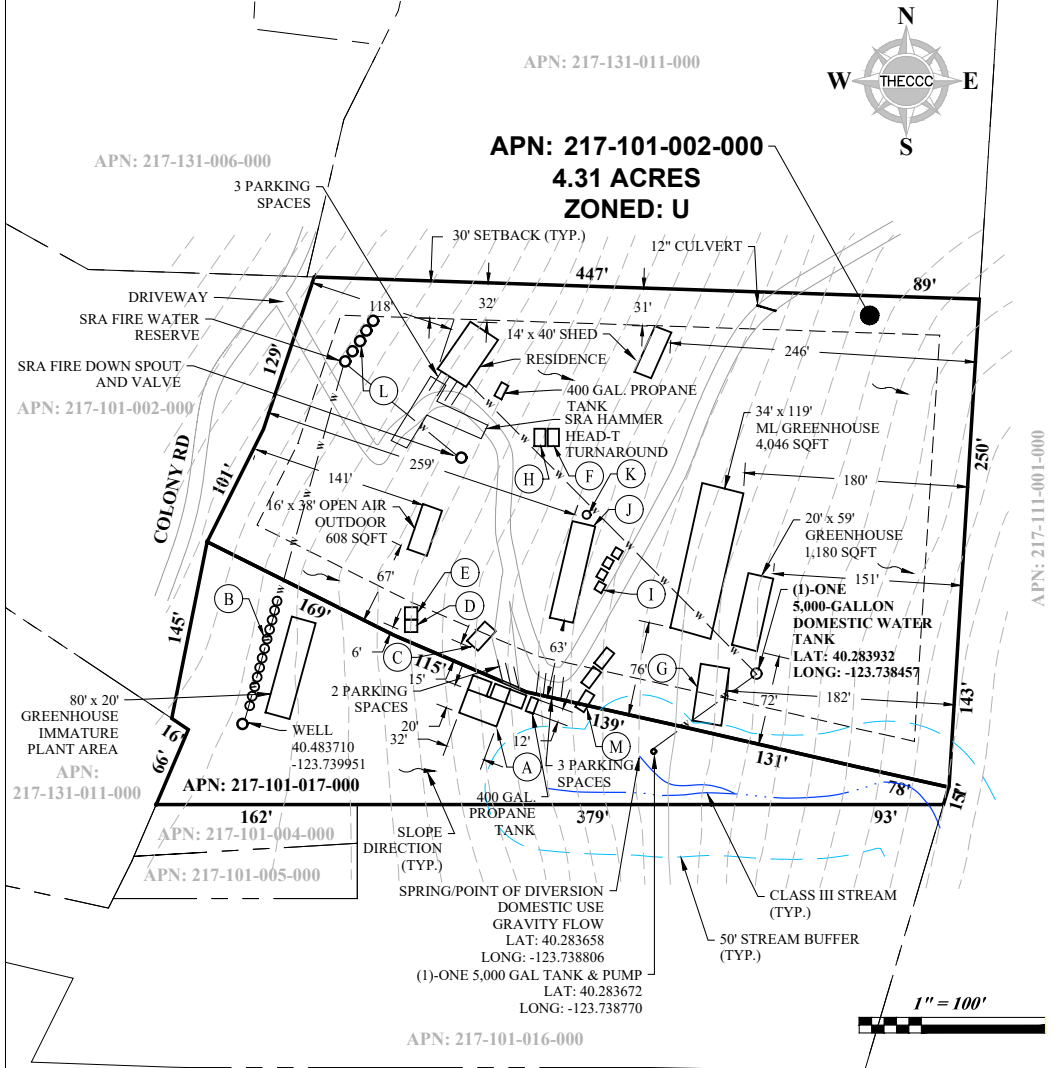
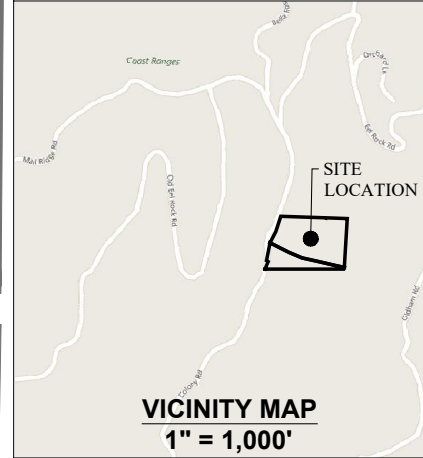


**PROPERTY LINES LEGEND:**

———— PROJECT PROPERTY LINE

----- ADJOINING PROPERTY LINE

STRUCTURE LIST		
A	HARVEST, DRY, AND STORAGE AREA	DIMENSIONS DEPICTED
B	(15)-FIFTEEN 5,000 GAL WATER TANKS (12)-EXISTING, (3)-PROPOSED 2020 LAT: 40.283785, LONG: -123.739912	75,000 GAL TOTAL
C	SHED	21' x 12'
D	SECURE WASTE AREA	10' x 10'
E	COMPOST AREA	10' x 10'
F	GENERATOR ON SLAB WITH COVERED ROOF	9' x 14'
G	SHED	46' x 23'
H	1,000 GAL DIESEL TANK WITH SECONDARY CONTAINMENT UNDER ROOF	9' x 14'
I	SOLAR PANELS	-
J	ML GREENHOUSE 1,760 SQFT	88' x 20'
K	(1)-1,500 GAL WATER TANK LAT: 40.284190, LONG: -123.738968	1,500 GAL TOTAL
L	(5)-FIVE 3,000 GAL WATER TANKS LAT: 40.284564, LONG: -123.739630	15,000 GAL TOTAL
M	3 SHEDS OF IDENTICAL DIMENSIONS	8' x 16'



			SCALE: AS SHOWN	NOTE: PROPERTY LINES AND OTHER DATA IS APPROXIMATE AND BASED OFF OF AERIAL IMAGERY AND HUMBOLDT COUNTY GIS DATA.	SITE PLAN - APN: 217-101-002-000 NEXT GREEN GENERATION - 197 COLONY ROAD	W.O. N/A SHEET 1 OF 1 SHEETS PLOT DATE: 5-Jun-20
			DATE: 6/5/20			
			DESIGNED: C.BARRETT			
			CHECKED: C.BARRETT			
			CHRISTIAN@CALICC.COM	NEW ROOTS DEVELOPMENT FARMINGTON, NM 87401	EEL ROCK - HUMBOLDT COUNTY, CA	
REVISIONS			PH: 707-880-4356			
	DATE	BY				

## 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 –11. 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. Within 30 days of the effective date, the applicant shall submit a complete application for a Notice of Merger for APNs 217-101-002 and 217-101-017. The purpose of the Notice of Merger is to ensure the project is consistent with setback requirements for the CMMLUO and CAL FIRE FIRE SAFE Regulations. Recording of the Notice of Merger and sign off by Planning Department staff will satisfy this condition.
3. 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. Within 30 days of the effective date, the applicant can demonstrate to compliance with this standard.
4. 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. Within 30 days of the effective date, the applicant can demonstrate to compliance with this standard.
5. Within 30 days of the effective date, the applicant shall submit a revised plot plan showing the following:
  - a. Dimensions of all structures;
  - b. Greenhouses numbered;
  - c. Location of decommissioned cultivation areas (greenhouse and full sun cultivation areas);
  - d. All propane tanks; and
  - e. All solar panels.
6. The applicant shall secure permits for all unpermitted grading (including flats) and structures (including greenhouses, two shed used for processing, 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.
7. 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.

8. 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.
9. 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 (intersection of Colony Road and Eel Rock Road). An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
  - 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.

10. 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.
11. 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.
12. The applicant shall submit a Less Than Three Acre Mitigation Plan for timber removal that occurred on the subject parcel for development of the cannabis cultivation site. The plan shall be prepared by a Registered Professional Forester and shall include any recommendations to ensure the timber removal occurred in compliance with the Forest Practices Act. The report shall be submitted to the Planning Department for review and approval prior to conducting any remediation work that may be required. The applicant is responsible for obtaining any necessary permits required to conduct the remediation work. The applicant may submit a letter or similar communication from a RPF stating the work is completed as described by the Less Than Three Acre Mitigation Plan or schedule a site inspection with the Planning Department to satisfy this condition.
13. 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 water from the groundwater well for irrigation use, if it is determined by the Planning Department that the groundwater well is hydrologically connected to surface waters upon review of the well completion report. A sign-off of this condition not requiring water rights based on review of the

well completion report by the Planning Department or a letter or similar communication from the State Water Resources Control Board verifying that this requirement has been met will satisfy this condition.

14. 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.
15. 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.
16. The applicant shall submit a copy of the Final Streambed Alteration Report and adhere to and implement all the requirements of the Final Streambed Alteration Agreement as approved by the California Department of Fish and Wildlife and comply with all applicable terms.
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><b>Residential Agriculture (RA5-20):</b> 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 7,600 square feet of cannabis cultivation consisting of 5,150 square feet of mixed light cultivation and 2,450 square feet of outdoor cultivation on APNs 217-101-002 and 217-101-017, which are 4.31 and 1.38 acres in size, respectively, 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 Colony Road, which is approximately 800 feet from the intersection of Colony Road and Eel Rock Road. Eel Rock Road has been previously classified as a Category 4 standard and is adequate to accommodate the proposed use. Eel Rock 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, Colony Road 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) did not identify any known rare or sensitive species with the potential to occur on the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 0.20 miles to the south and the nearest mapped NSO activity centers are located 1.61 miles to the northwest and southwest of the cultivation area. Marbled murrelet habitat are located more than 4 miles from the subject parcel. Power is provided by a solar array. A backup generator would be used only in cases of power outages. The applicant proposed to connect to on-grid power in the future. 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>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 April 10, 2019 (see Attachment 5, which includes staff response). Conditions of approval as recommended by CDFW are incorporated into the project. Conditions of approval require the applicant to obtain a Final Streambed Alteration Agreement from the Department of Fish and Wildlife for the culvert replacement recommended by the Water Resources Protection Plan (See findings for <i>Stormwater Drainage</i> (Chapter 11, <i>Water Resources</i>)) for additional information regarding the culvert replacement and permitting requirements. As conditioned, the proposed project is consistent with this element.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources</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.</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. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Section 10.6	(CU-G1, Protection and Enhancement of Significant Cultural Resources)  Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.	regarding the inadvertent discovery protocol to protect cultural resources.
Conservation and Open Space Chapter 10  Scenic Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)  Related policies: SR-S4. Light and Glare.	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.

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. Recommendations include replacement of one undersized culvert.</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 0.20 miles to the south and the nearest mapped NSO activity centers are located 1.61 miles to the northwest and southwest of the cultivation area. Marbled murrelet habitat are located more than 4 miles from the subject parcel. Power is provided by a solar array. A backup generator would be used only in cases of power outages. The applicant proposed to connect to on-grid power in the future. 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 cultivation areas occur on slopes of less than 15% to 30% and is seismically classified as moderate instability. There are no areas of the project site are located within an area shown on County WebGIS with historic landslides. According to the Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants dated April 28, 2018, one historic cultivation area requires erosion control to ensure no run-off is occurring from the bare soils (see Attachment 4). Conditions of approval require the applicant to adhere to and implement all recommendations with the WRPP. Conditions of approval also require the applicant to obtain grading permits for all grading conducted without the benefit of County review as related the development of the cultivation site, including, but not limited to, the flat and any foundation for water tanks, as applicable. As conditioned, the project therefore conforms with this section.</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 32 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 very high fire severity. The subject property is located within the Fruitland Ridge 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 86,500 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 Fruitland Fire Protection District.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during 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 217-101-002 is comprised of one separate parcel as described by Deed dated November 21, 1945, between Roy E. Slaybough and Royal E. Hansen. Conditions of approval require the applicant to complete a Notice of Merger for APN 217-101-002 and APN 217-101-017 to ensure compliance with setbacks as described by the CMMLUO and CAL FIRE. Completion of the Notice of Merger will consolidate the two APNs into one legal parcel approximately 5.96 acres in size. There is no evidence indicating there have been any subsequent acts to merge or divide these parcels. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1  Unclassified	<b>Unclassified (U):</b> Applies to all of the unincorporated area of the County not otherwise zoned is designated as the Unclassified or U Zone. This area has not been sufficiently studied to justify precise zoning classifications.	The applicant is seeking a Special Permit for existing 7,600 square feet of cannabis cultivation consisting of 5,150 square feet mixed light and 2,450 square feet outdoor cannabis on two properties zoned U. 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:	6,000 square feet	5.96 (both APN 217-101-002 and -017)
Minimum Lot Width:	50 feet	532 feet

Minimum Lot Depth:	100 feet	438 feet
Minimum Yard Setbacks:  (Through the SRA setbacks)	Front: 20 feet Rear: 10 feet Side: 5 feet  SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Sides: <30 feet  To ensure that the proposed project complies with setbacks required by the CMMLUO and CAL FIRE, require the applicant to complete a Notice of Merger for APN 217-101-002 and APN 217-101-017. Completion of the Notice of Merger will consolidate the two APNs into one legal parcel approximately 5.96 acres in size. As conditioned, the project therefore complies with the zoning district requirements for minimum yard setbacks.
Maximum Ground Coverage:	40%	<40%
Max. Building Height:	None Specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	There are no mapped Streamside Management Areas on the subject parcel. The Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants dated April 28, 2018, states there is one Class III unnamed watercourse located on the subject parcel. A point of diversion is located on the subject parcel, however, it only used for domestic purposes. The WRPP recommends replacement of one undersized culvert. Otherwise, all cultivation-related development is located outside of the SMA. Conditions of approval require the applicant to provide a copy of the Final Streambed Alteration Agreement for the culvert replacement once issued by CDFW and adhere to all terms and conditions.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.  *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	2 spaces

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2  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 timber removal occurred between 2005 – 2009 for development for cannabis cultivation. 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 7,600 consisting of 5,150 square feet of mixed light and 2,450 square feet of outdoor cultivation on APNs 217-101-002 and 217-101-017, which are 4.31 and 1.38 acres, respectively and both zoned U. Aerial imagery on Google Earth 2014 indicate that existing cultivation operations on the property began prior to 2014. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§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. Processing, including drying , curing and trimming, will occur in two existing sheds. The applicant may choose to processing at a occur at a licensed off-site processing facility as well. 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, holds one other cannabis activity permits, and is entitled to four. This application is for one permit. If approved, the applicant will hold 2 permits.
§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 80,000 gallons. Irrigation water is sourced from a groundwater well on the subject parcel. There is 86,500 gallons of water storage, therefore, there is sufficient water in storage to cover annual water needs. The applicant is proposing to add an additional 15,000 gallons of water storage in hard-sided tanks. Domestic water is sourced from an unnamed watercourse that the applicant has obtained appropriative rights for use. Conditions of approval require the applicant to submit a copy of the well completion report for the well used for irrigation location on APN 217-101-017. If the Planning Department determines the well is connected to surface waters, the applicant will need to obtain appropriative water rights from the State Water Resources Control Board for diversion and use of the well water, which includes use of the stored water. Conditions of approval also require the applicant to adhere to the Final Streambed Alteration Agreement issued by CDFW. 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 0.20 miles to the south and the nearest mapped NSO activity centers are located 1.61 miles to the northwest and southwest of the cultivation area. Marbled murrelet habitat are located more than 4 miles from the subject parcel. Power is provided by a solar array. A backup generator would be used only in cases of power outages. The applicant proposed to connect to on-grid power in the future. 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 December 12, 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 processing. 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*

*APNs 217-101-002 and 217-101-017, 197 Colony Road, Eel Rock, County of Humboldt*

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

June 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 an existing 7,600 square feet consisting of 5,150 square feet mixed light and 2,450 square feet outdoor cannabis cultivation within three greenhouses located on Assessor's Parcel Number (APN) 217-101-002, which is approximately 4.31 acres in size. There will be two harvests annually of the outdoor cultivation and a maximum of five harvests of the mixed light cultivation. There is a 1,600-square-foot greenhouse used for propagation location on APN 217-101-017, which is adjacent to the subject parcel and owned by the applicant. The propagation greenhouse will be used to propagate juvenile plants for future cultivation. Processing, including drying, curing and processing, of harvested cannabis will occur within two existing sheds on the subject parcel. The applicant may also process at a licensed, off-site processing facility. The applicant will a maximum of two employees. Power is provided by a solar array and generators are used for back-up/emergency power source only. The applicant is proposing to connect to on-grid power in the future. The use of the on-site generator is limited to power outages. Access to the site is located off Colony Road, which is 800 feet from it's intersection with Eel Rock Road. Eel Rock Road is a County-maintained road that is approved for use by the Department of Public Works. The entry to the subject parcel is secured by an entry gate on Colony Road, remains locked at all times and is signed indicating restricted access. The applicant will improve the intersection where it intersects with Eel Rock Road to meet or exceed all County requirements and ensure traffic safety.

Annual water use is 80,000 gallons. Irrigation water is sourced from a groundwater well on the subject parcel. There 86,500 gallons of water storage and the project includes installation of 15,000 gallons of additionally storage. The applicant will be able to utilized stored water throughout the cultivation season. No additional ground disturbance is required; proposed water storage will be placed previously disturbed portions of the subject parcel. A Final Streambed Alteration Agreement (LSAA) is pending the California Department of Fish and Wildlife (CDFW). The Water Resources Protection Plan required replacement of one undersized culvert. The applicant is required to provide the Final Streambed Alteration Agreement, proof of enrollment into the State Cannabis Cultivation program and to obtain water rights for use and storage of water from the well if the well is found to be connected to surface waters.

The California Natural Diversity Database (CNDDB) did not identify any known rare or sensitive species with the potential to occur on the subject parcel. The nearest Northern Spotted Owl (NSO) observation is located 0.20 miles to the south and the nearest mapped NSO activity centers are located 1.61 miles to the northwest and southwest of the cultivation area. Marbled murrelet habitat are located more than 4 miles from the subject parcel. Power is provided by a solar array. A backup generator would be used only in cases of power outages. The applicant proposed to connect to on-grid power in the future. 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 require the applicant to show compliance with noise and light attenuation measures for the mixed-light greenhouses within 30 days of the effective date.

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 implementation of habitat restoration, reliance on water storage 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 updated May 2020;

- Plot Plan prepared by New Roots Development dated June 5, 2020;
- Water Resource Protection Plan prepared by Timberland Resource Consultants dated April 28, 2019; and
- Road Evaluation Report prepared by the applicant dated February 15, 2018.

### **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 ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file – Initial Statements of Water Diversion and Use)
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 – Water Resources Protection Plan prepared by Timberland Resource Consultants dated April 28, 2018; On file – enrollment documents; Condition of approval – proof of enrollment in State Cannabis Cultivation Policy)
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. (Condition of approval)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached – copy of well permit; Condition of approval – submit well completion report)
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. Road Evaluation Report prepared by the Applicant dated February 15, 2018. (Attached)

**Cultivation and Operations Plan**  
**For**  
**NEXT GREEN GENERATION**

**App#**

APN 217-101-002

**Proposed Medical Cannabis Cultivation Facilities**

Prepared for:



**Humboldt County Planning Department**  
3015 H Street  
Eureka, CA 95501



Prepared By:  
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Updated May 2020

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Appendix A: Plot Plan

Appendix B: Regulated Products Resource List

Appendix C: Cultivation Activities Schedule

Appendix D: References

Appendix E: Water Resources Protection Plan

# 1. PROJECT SUMMARY

## 1.1. PROJECT OBJECTIVE

Next Green Generation APN#217-101-002 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 5,150 sf of mixed light and 2,450 sf of outdoor. The project includes three Greenhouses for mature canopy totaling 6,880 sf, 5,150 sf of which is mix light and the remainder exclusively outdoor. Additional open air outdoor cultivation brings the total outdoor sf to 2,450. There is an additional greenhouse of 1,600 sf for ancillary propagation area which supports the mature canopy area. Cannabis will be dried and cured on site. Trimming will be performed on site or off site at a licensed processing facility as conditions require (see processing plan below §2.4 and 2.5). There is a storage shed located on the parcel that is used for storage for all cultivation related products as well as petroleum products. All petroleum and liquid fertilizers are stored in a secure location, with secondary containment. The adjacent parcel APN#217-101-017 is applicant owned and used in conjunction with the subject parcel for this project. The water source and additional support infrastructure is housed on this neighboring parcel and serves the project.

## 1.2. SITE DESCRIPTION

The project site is located approximately 30 miles north west of Garberville, CA. To reach the site from Eureka take us-101 south for 49.5 miles to exit 656 for CA-254 to Myers Flat. Turn left onto CA-254 South for 1.9 miles. Turn left onto Elk Creek Road for approximately 2.7 miles. Turn left onto Dyerville Loop Road for 2.7 miles. Keep left on Eel Rock Road for 3.2 miles. Turn right onto Colony Road for 3.7 miles and the destination will be on the right side 197 Colony Road. Approximate drive time from Eureka, CA 1 hour and 19 minutes with 68 total travel miles. 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 40.2846 and Longitude, -123.7384. The subject parcel APN#217-101-002 is approximately 4.31 acres in size and the neighboring associated parcel APN#217-101-017 is 1.38 acres (per Humboldt county WEBGIS).

## 1.3. LAND USE

The subject property has a General Plan designation RA 5-20 and is zoned U with a use code of Improved, Rural Residential, 1 to 5 acres. The proposed cultivation area occupies less than two percent (2%) of the total prime soil area. 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#217-101-002 has a pending state license, application number LCA20-0000592.

### 1.4.2. STATE WATER RESOURCES CONTROL BOARD

A total of 1 watercourse crossing exits on this property. Water for domestic uses is a registered diversion and irrigation water is provided by the well on the neighboring associated parcel (see site map, attached below, for location details).

### 1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Next Green Generation APN#217-101-002 has 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 1B161738CHUM) 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 onsite 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 Special Permit.

#### **1.4.5. CAL FIRE**

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

#### **1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

CDFW has been noticed for this project and a proposed LSA has been offered. A clerical error as to the associated parcel APN has been identified and once corrected the proposed agreement will be finalized. The proposed agreement identifies two encroachments: the registered point of diversion and an upgrade to an undersized culvert crossing.

## **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 under lights to root. Once fully rooted they are transplanted directly into one (1) gallon plastic containers and placed in the ancillary propagation area to develop until ready to plan out. 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 soil and perlite medium, and moved into the mature canopy area greenhouses or open air areas where they continue their 'vegetative' cycle.

### **2.2. OUTDOOR CULTIVATION PLAN AND SCHEDULE**

The mixed light cultivation will occur in (1) 4,046 sf greenhouse and a portion of (1) 1,760 sf greenhouse. The remainder of the greenhouse area will be outdoor cultivation with an additional 608 sf of open air outdoor. The greenhouses consist of heavy gauge steel tubing, covered with a woven poly translucent tarp. Each greenhouse is ventilated by intake and exhaust fans. The greenhouses utilize a combination of artificial light and light deprivation to typically produce two (2) flowering cycles per year but never more than 5 cycles per year depending on annual weather conditions. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the mixed light cultivation operation for a typical two cycle year.

### **2.3. IRRIGATION PLAN AND SCHEDULE**

Irrigation and fertigation of plants occurs using top-feed hand watering methods Next Green Generation APN#217-101-002 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 will be processed on site or an off site licensed processing facility if needed.

## 2.5. PROCESSING FACILITY

All cannabis processing will occur on site in the two existing processing sheds. The facility will incorporate all aspects of processing including drying, curing, and trimming, and will include an ADA restroom for employees. The restroom will include a working flushable toilet as well as a sink with cold and hot running water provided by an on demand electric water heater. Structures will be retrofitted and permitted to fulfill requirements or a new building will be developed to accommodate on-site processing depending on what is most cost effective.

The finished product is stored in the processed materials room before being transported to a licensed distribution facility. The waste product, or "trim," from the processing facility is collected and placed into bins to be weighed, labeled, and sealed. Trim will be transferred to an offsite, licensed manufacturing facility.

## 2.6. EMPLOYEE PLAN

Next Green Generation APN#217-101-002 is an "agricultural employer" as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

### 2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge*: Responsible for business oversight and management of the Next Green Generation APN#217-101-002. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.
- *Lead Cultivator*: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Assistant Cultivator / Processing Manager*: Provides support to the *Lead Cultivator* in their day to day duties and takes the lead role during times when the *Lead Cultivator* may be off site. Once processing activities commence, the *Assistant Cultivator* duties switch to oversight and management of processing the dried medical cannabis. This is a full-time, seasonal position.
- *Seasonal Laborer*: Provides cultivation, harvesting, and processing support including trim machine operation and hand-finish trimming. This is a part-time to full-time, seasonal position.

### 2.6.2. STAFFING REQUIREMENTS

In addition to the *Agent*, *Lead Cultivator*, and *Assistant Cultivator positions*, up to two (2) full-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of two (2) employees on site.

### **2.6.3. EMPLOYEE TRAINING AND SAFETY**

On site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers. Access to the onsite cultivation, drying and processing facilities is limited to authorized and trained staff.

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

### **2.6.4. TOILET AND HANDWASHING FACILITIES**

There is an on site waste water treatment system (septic) and the proposed drying and processing building will include one (1) ADA-compliant restroom, including a working flush toilet as well as a sink with hot and cold running water. Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 250 feet from the restroom facility. Until all permits are secured a portable chemical toilet will be maintained on-site.

### **2.6.5. ON SITE HOUSING**

The existing single-family residence located on site is occupied by the property owner/Agent in Charge. All other full-time and seasonal employees live off site and commute daily to the cultivation site via carpool & personal forms of transportation. No new residential structures are proposed as a part of this project.

## **2.7. SECURITY PLAN AND HOURS OF OPERATION**

### **2.7.1. FACILITY SECURITY**

The cultivation facilities, including greenhouses and processing building are enclosed in a secure privacy fence. An entry gate is located off Colony 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 employees. Restricted access signs are posted conspicuously at the entry gates. The cultivation and processing facility 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 other activities such as processing typically occur no earlier than 6 AM and extend no later than 8 PM.

## **3. ENVIRONMENT**

### **3.1. WATER SOURCE AND PROJECTED WATER USE**

Water for domestic use is provided by the registered diversion. Water for irrigation purposes is provided by the well on the associated adjacent parcel (see site map for location). Water is pumped and stored in a series of hard poly tanks during the winter months for use in the forbearance period.



Next Green Generation APN#217-101-002 utilizes water management strategies to conserve and reuse onsite 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 an effect on water use.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	8,000	10,000	13,000	13,000	13,000	13,000	10,000	0	0

### 3.2. WATER STORAGE

Water storage for irrigation use is provided in the form of hard sided water storage tanks. The property has (17) 5,000 gallon water tanks, (1) 1,500 gallon water tank, and (3) 5,000 gallon water tanks are proposed for installation as soon as available. Next Green Generation APN#217-101-002 has a total of 86,500 gallons of hard sided tank water storage with an additional 15,000 gallons proposed for irrigation and (1) additional 5,000 gallon tank is on site and used for domestic purposes. (1) 5,000 gallon water tank is reserved for Fire (SRA tank).

### 3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Next Green Generation APN#217-101-002 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.

#### 3.3.1. 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 forested area and 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.

#### 3.3.2. 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 upgrade/replacement and access road maintenance. 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.

### 3.4. 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. Any grading and earthwork activities will be conducted by a

licensed contractor in accordance with approved grading permits and in accord with the BMP's prescribed in the WRPP. Refer to the WRPP in Appendix E for detailed descriptions of watershed and habitat protection measures.

### **3.5. MONITORING AND REPORTING**

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and 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 uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. 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.

### **3.6. ENERGY AND GENERATOR USE**

On-grid infrastructure is available near the site. A power drop will be sought as part of implementing the long term plans related to this application. Currently the primary power source is the existing solar array. Generator back up is used as needed and follows all guidelines set up by Humboldt County and the State of California. The generator is located away from the property line to ensure the noise level does not exceed 60 decibels at the property line. The generator and diesel fuel are housed in roofed structures and with secondary containment and cement slab floors.

### **3.7. USE AND STORAGE OF REGULATED PRODUCTS**

#### **3.7.1. BEST MANAGEMENT PRACTICES**

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are in a locked storage room, and contained within water tight, sealed 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.

### **3.7.2. 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.

### **3.7.3. PESTICIDES AND FUNGICIDES**

Pesticides and fungicides used for cultivation include:

- Diatomaceous Earth
- Green Cleaner

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

### **3.7.4. FUELS AND OILS**

Fuels and oils stored on site include:

There is a storage shed that contains (4) 5 gallon gas cans. Secondary containment is utilized for all petroleum products and all liquid fertilizers. Spill kit(s) is maintained on site.

## **3.8. WASTE MANAGEMENT PLAN**

### **3.8.1. SOLID WASTE MANAGEMENT**

Trash and recycling containers are located in the secure waste storage area (see site map for location). Solid waste and recycling is hauled off-site to the nearest licensed transfer station on an as needed basis to maintain desirable conditions, generally once per week.

### **3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT**

Stalks composted or chipped for ground cover and compost. Root balls are hauled away as green waste or composted. Spent potting soil is stored in a contained area with environmental measures in place. Spent soil is cover during winter months and then amended in pots before the further use. All packaging from soil amendments and fertilizers will be collected and disposed in accord with §3.8.1.

### **3.8.3. WASTEWATER MANAGEMENT**

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

There is a working septic system that facilities the parcel. The septic 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 product will be bulk packaged and transferred to a licensed processor and or distributor as is appropriate under the circumstance. All cannabis material will be entered into the state METRC program.

## 4.2. PRODUCT INVENTORY AND TRACKING

The existing state METRC program will be used to track all cannabis materials unless and until a different program is developed by the state or county. Additional in-house methods may be used to track and enhance farm performance. Those methods may include but are not limited to the following:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Weight of buds after trimming
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material always

## 4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations, unless and until a DTO license is issued by CDFA. 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 and will include:

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

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**  
**See Below**

## **Appendix C: Cultivation Schedule**

### *February 1-April 1<sup>st</sup>: Clone Propagation*

All plants used in Next Green Generation APN#217-101-002 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 1 gallon pots within the ancillary propagation green house 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, determine the exact date for the light deprivation process to begin. Once that date is determined, 100% light resistant, specifically designed tarps will be pulled over the outside of 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 on the production of flowers, therefore, ceasing vegetative growth and begin to flower. 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 § 2.4 above). 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*

The above schedule is for a typical year. However, it is possible that weather conditions may be such that additional cultivation cycles and or cycle staggering per distinct location may be possible and could extend into this time period. The same process described above would be applied to any additional cultivation cycles that may be achieved, but in no event would the number of cultivation cycles exceed 5 cycles per year.

Next Green Generation APN#217-101-002 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). Pots will be turned over and composted within the greenhouses to prepare for the upcoming season.



## **Appendix D: References**

- a) Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.
- b) 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.
- c) 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.
- d) 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.
- e) North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. [http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/). Date accessed: March 28, 2016.
- f) State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.  
<<http://www.boe.ca.gov/news/pdf/173.pdf>>
- g) State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use.
- h) August 2008.  
<[http://www.ag.ca.gov/cms\\_attachments/press/pdfs/n1601\\_medicalmarijuanaguidelines.pdf](http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf)>



THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RECOGNIZED WITHIN 600' OF CULTIVATION AREAS.  
THERE ARE NO OFFSITE RESIDENCES WITHIN 300' OF CULTIVATION AREAS.

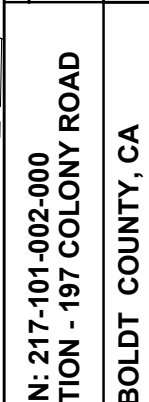
[illegible]

SCALE:	AS SHOWN
DATE:	6/5/20
DESIGNED:	C.BARRETT
CHECKED:	C.BARRETT
CHRISTIAN@CALICC.COM	
PH: 707-880-4356	

**NOTE:**  
PROPERTY LINES AND O  
APPROXIMATE AND BASE  
IMAGERY AND HUMBOLDT C

**NEW ROOTS DEVELOPMENT  
FARMINGTON, NM 87401**

W.O.	N/A
SHEET	1
OF	1 SHEETS
PLOT DATE:	
5-Jun-20	



# **Water Resource Protection Plan**

**APN: 211-101-002**

**WDID:1B161738CHUM**

*Prepared by:*



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4/28/2018

**Property Description**

The property assessed includes a 4.3 acre parcel located near the town of Myers Flat, Humboldt County, California, at an elevation of approximately 800 feet. The property is located within the Northeast ½ of Section 21, Township 2 South, Range 4 East Humboldt Base Meridian, on the Myers Flat 7.5' Quadrangle. There is one (1) Class III watercourse on the property, which drains approximately 1500' to the Eel River.

**Monitoring Plan**

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

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

**Monitoring Plan Reporting Requirements**

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

- b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.

**All roads are adequately designed and maintained to prevent and minimize erosion along their flow paths and respective outlets.**

- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

**All roads are adequately designed and maintained to prevent and minimize erosion along their flow paths and respective outlets.**

- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are not hydrologically connected<sup>1</sup>, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

**Map Point #1 (MP 1): Old cultivation site is in need of erosion control techniques to ensure soil loss is minimized. Soil loss is not delivering to a watercourse.**

**All bare areas shall be seeding with a native perennial grass and forb mix, followed by the application of straw mulch. Areas with slopes exceeding 20% shall have an erosion control product such as jute netting fastened on top of the seed and straw mulch.**



2 Stream Crossing Maintenance (Compliance: Y ☐/N ☒)

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.<sup>2</sup>
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.

**Stream Crossing #1 (SC 1): Existing 15"-20' culvert captures drainage channel and inboard ditch. Treatment includes upsizing the stream crossing to 24"- 30' culvert to meet a 100 year storm event. Gully formation on outlet will need to be rip raped to prevent further loss.**



4. Spoils Management (Compliance: Y ☒/N ☐)

- a. Spoils<sup>5</sup> shall not be stored or placed in or where they can enter any surface water.

**No spoil materials identified during field visit**

<sup>1</sup> Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.

<sup>5</sup> Spoils are waste earthen or organic materials generated through grading or excavation, or waste plant growth media or soil amendments. Spoils include but are not limited to soils, slash, bark, sawdust, potting soils, rock, and fertilizers.

- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.

**No spoil materials identified during field visit**

- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

**No spoil materials identified during field visit**

5. Water Storage and Use (Compliance: Y ☐/N ☒)

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12<sup>6</sup> watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

Cultivation consists of a one (1) 84' x 20' equaling 1680 sqft, one (1) 120' x 34' equaling 4080' and one 40' x 16' nursery structure equaling 640 sqft. Total cultivation equals 6,400 sqft.

Water source for cultivation purposes involves a horizontal spring along the streambank of a Class III watercourse. Near the watercourse exists one (1) 300 gallon storage tank used as a sediment catchment. Water is pumped to the upper elevation storage tanks which include four (4) storage tanks including one (1) 2500 and three (3) 3000 gallon storage tanks. Water is gravity fed to one (1) 2000 gallon storage tank and delivered to one (1) 1100 gallon mixing tank near Greenhouse #1. Gravity fed water is delivered further downslope to one (1) 5000 gallon storage tank adjacent to indoor nursery facility. In addition, several tanks (four (4) 300 gallon tanks) are spread throughout the property that were identified as not being utilized.

Total storage is 19,900 gallons.

The Discharger utilizes hand watering to apply irrigation.

- d. Water is applied using no more than agronomic rates.

**The Discharger states that water is applied using no more than agronomic rates. Timberland Resource Consultants observed no conditions to suggest otherwise.**

- e. Diversion and/or storage of water from a stream should be conducted pursuant to a valid water right and in compliance with reporting requirements under Water Code section 5101.

**Spring development is currently the only water source for cultivation purposes. Discharger will need to apply for the Cannabis Small Irrigation Use Registration (SIUR) water right.**

- f. Water storage features, such as ponds, tanks, and other vessels shall be selected, sited, designed, and maintained so as to insure integrity and to prevent release into waters of the state in the event of a containment failure.

**Water storage tanks are rigid plastic tanks, which appear to be selected, sited, designed, and maintained so as to prevent release into waters of the state in the event of a containment failure.**

**6. Irrigation Runoff (Compliance: Y ☒/N ☐)**

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

**No irrigation runoff was observed during the inspection, nor was there evidence that it had occurred in the past. The Discharger shall ensure that water and fertilizers are applied at or below standard agronomic rates, thus minimizing pollutant entrainment and preventing any irrigation runoff from occurring.**

<sup>7</sup> "Agronomic rates" is defined as the rates of fertilizer and irrigation water that a plant needs to enhance soil productivity and provide the crop or forage growth with needed nutrients for optimum health and growth, without having any excess water or nutrient percolate beyond the root zone.

8. Pesticides/Herbicides(Compliance: Y ☒/N ☐)

At the present time, there are no pesticides or herbicides registered specifically for use directly on cannabis and the use of pesticides on cannabis plants has not been reviewed for safety, human health effects, or environmental impacts. Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products shall be consistent with product labeling and any products on the site shall be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

**Pesticides and herbicides are adequately stored in the shed facilities, which is an adequate storage location to prevent any pollutants from being transported to surface waters or leached into ground water. The Discharger shall ensure that all pesticides and herbicides are used at or below the specifications on the product's label, and that they are placed, and used in a manner that ensures that they will not enter or be released into surface or ground waters.**

9. Petroleum products and other chemicals (Compliance: Y ☒/N ☐)

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.

**Generators and portable gasoline canisters are adequately stored in the shed and facility. Fertilizers and pesticides are adequately stored in the storage structure as well. When generators and gasoline canisters are utilized, secondary containment will be utilized.**

- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.

**All containers are stored in the storage facilities, which appears to be an adequate means of secondary containment for the portable gasoline canisters.**

- c. Dischargers shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

**Not applicable. There are no diked areas on the property with the purpose of containing discharged chemicals.**



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<sup>8</sup> Plant waste may also be composted , subject to the same restrictions cited above for cultivation-related waste storage.

c. Garbage and refuse shall be disposed of at an appropriate waste disposal location.

**The Discharger states that all garbage and refuse is disposed of at an appropriate waste disposal location.**

12 Remediation/Cleanup/Restoration

Remediation/cleanup/restoration activities may include, but are not limited to, removal of fill from watercourses, stream restoration, riparian vegetation planting and maintenance, soil stabilization, erosion control, upgrading stream crossings, road outsloping and rolling dip installation where safe and suitable, installing ditch relief culverts and overside drains, removing berms, stabilizing unstable areas, reshaping cutbanks, and rocking native-surfaced roads. Restoration and cleanup conditions and provisions generally apply to Tier 3 sites, however owners/operators of Tier 1 or 2 sites may identify or propose water resource improvement or enhancement projects such as stream restoration or riparian planting with native vegetation and , for such projects, these conditions apply similarly . Appendix B accompanying this Order includes environmental protection and mitigation measures that apply to cleanup activities such as: temporal limitations on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion control, limitations on work in streams, riparian and wetland areas; and other measures.

**Mitigation measures are listed below in the Mitigation Report and also explained above in the Standard Conditions.**

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

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

1. This Water Resource Protection Plan has been prepared for the property within APN 211-101-002 in Humboldt County, at the request of the Client.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted, and as disclosed to Timberland Resource Consultants by the landowner and/or Discharger. Changes due to land use activities or environmental factors occurring after this inspection, have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.

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*Todd Golder*

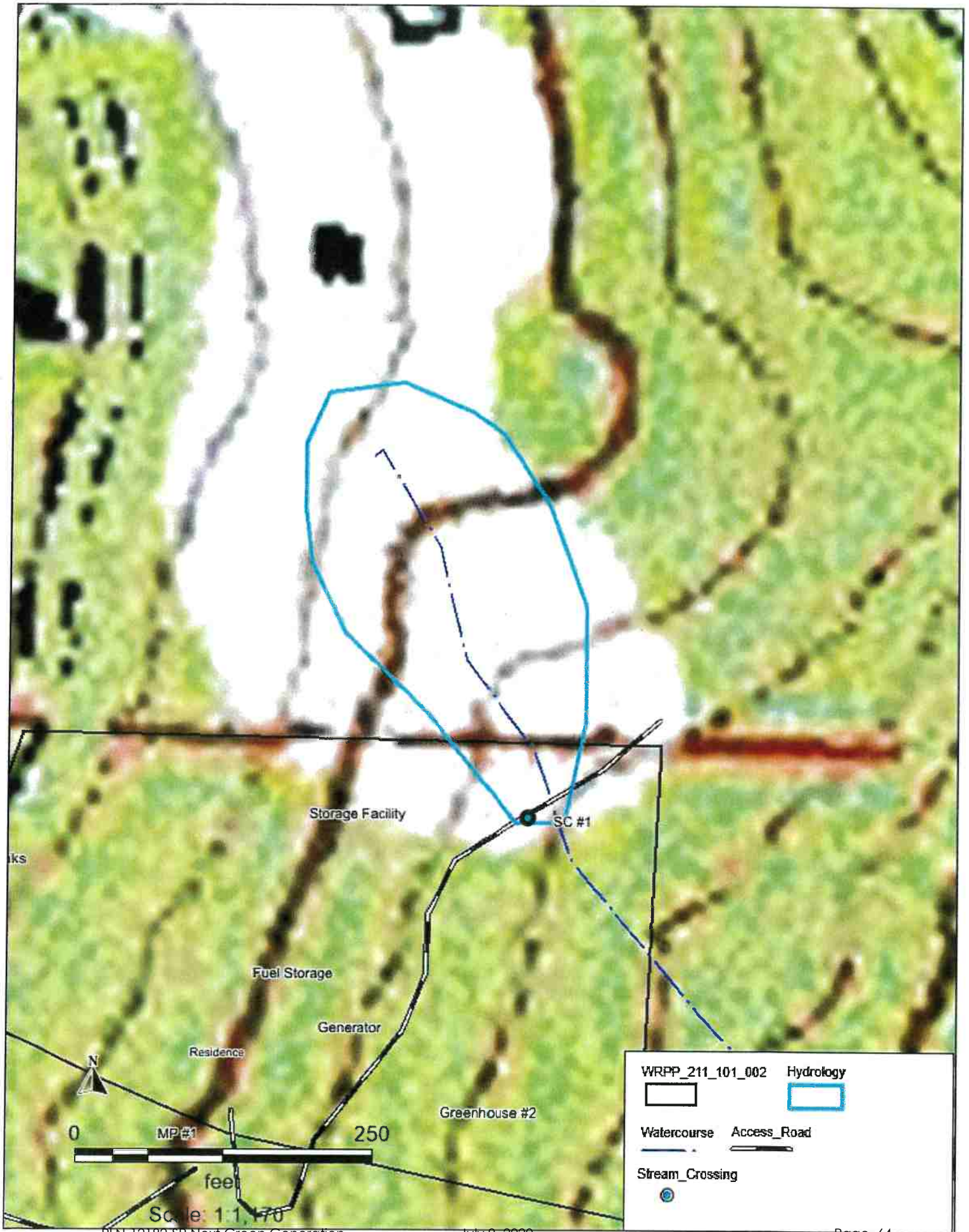
*Timberland Resource Consultants*

# WRPP 211-101-002 Infrastructure Map





# WRPP 211-101-002 Hydrology Map

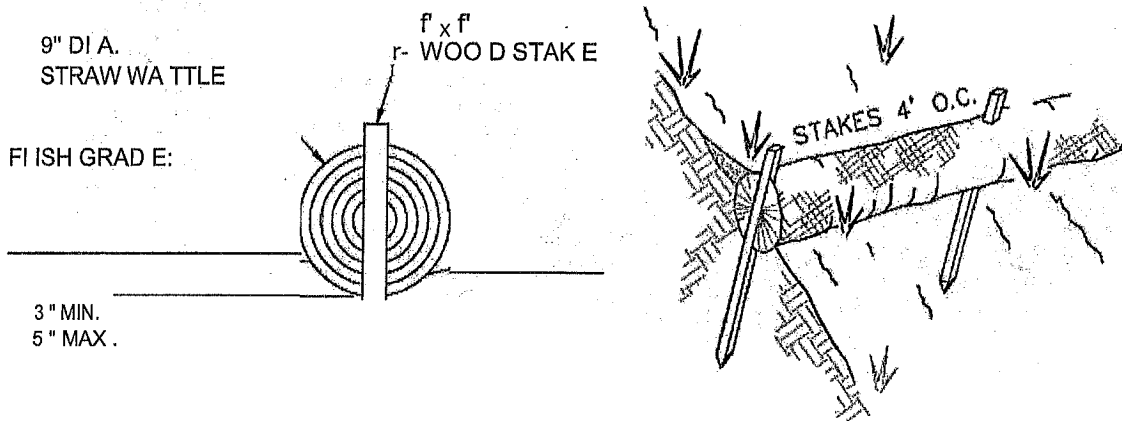


## **BMP: General BMPs**

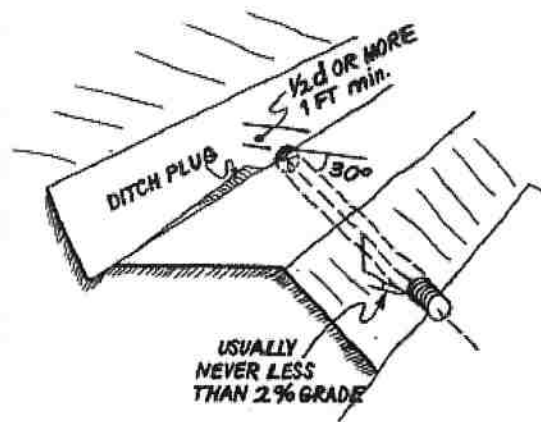
- If operations require moving of equipment across a flowing stream, such operations shall be conducted without causing a prolonged visible increase in stream turbidity. For repeated crossings, the operator shall install a bridge, culvert, or rock-lined crossing.
- During construction in flowing water, which can transport sediment downstream, the flow shall be diverted around the work area by pipe, pumping, temporary diversion channel or other suitable means. When any dam or artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain fish life below the dam. Equipment may be operated in the channel of flowing live streams only as necessary to construct the described construction.
- Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portion of any stream channel shall be restored to as near their original condition as possible. Restoration shall include the mulching of stripped or exposed dirt areas at crossing sites prior to the end of the work period.
- Structures and associated materials not designed to withstand high seasonal flow shall be removed to areas above the high water mark before such flows occur.
- No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washing, oil or petroleum products, or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

## **BMP: Erosion Control**

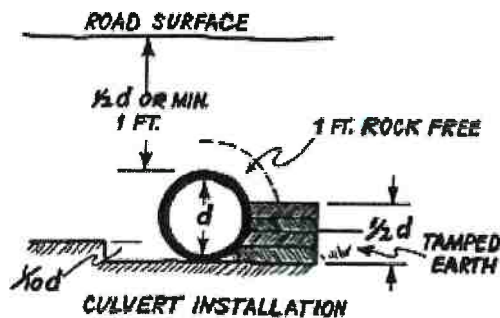
- Erosion control and sediment detention devices and materials shall be incorporated into the cleanup/restoration work design and installed prior to the end of project work and before the beginning of the rainy season. Any continuing, approved project work conducted after October 15 shall have erosion control works completed up-to-date and daily.
- Erosion control materials shall be, at minimum, stored on-site at all times during approved project work between May 1 and October 15.
- Approved project work within the 5-year flood plain shall not begin until all temporary erosion controls (straw bales or silt fences that are effectively keyed-in) are installed downslope of cleanup/restoration activities.
- Non-invasive, non-persistent grass species (e.g., barley grass) may be used for their temporary erosion control benefits to stabilize disturbed slopes and prevent exposure of disturbed soils to rainfall.
- Upon work completion, all exposed soil present in and around the cleanup/restoration sites shall be stabilized within 7 days.
- Soils exposed by cleanup/restoration operations shall be seeded and mulched to prevent sediment runoff and transport.
- Straw Wattles (if used) shall be installed with 18 or 24-inch wood stakes at four feet on center. The ends of adjacent straw wattles shall be abutted to each other snugly or overlapped by six inches. Wattles shall be installed so that the wattle is in firm contact with the ground surface.



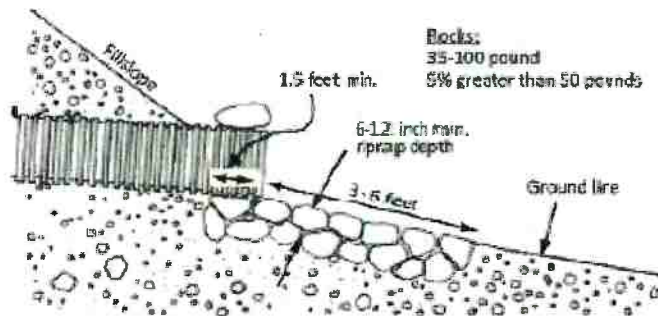




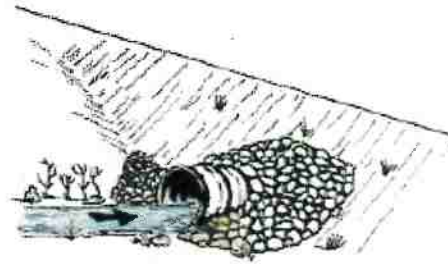
**FIGURE 48.** The elements of a properly installed ditch relief culvert. The culvert is angled at about 30 degrees to the road alignment to help capture flow and prevent culvert plugging or erosion of the inlet area. It is set at the base of the fill (ideally) or with a grade slightly steeper than the grade of the contributing ditch (but never with a grade less than 2 percent) (USDA-SCS, 1983). At a minimum, the grade of the ditch relief culvert should be sufficient to prevent sediment accumulation at the inlet or deposition within the culvert itself (it should be self-cleaning) (USDA-SCS, 1983).



HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

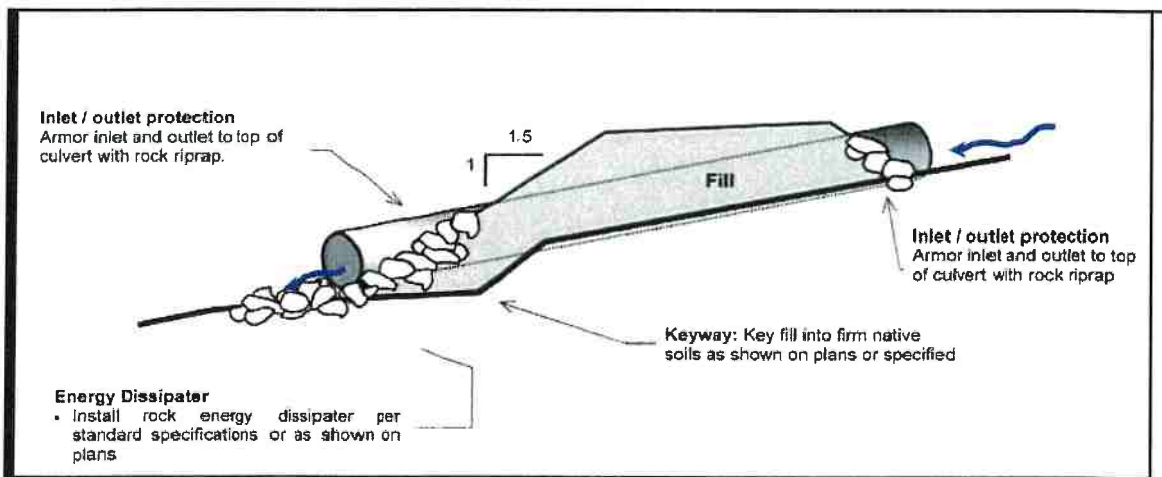


**FIGURE 107A.** Riprap armor at culvert outlet (Modified from: Keller et al., 2011).



**FIGURE 107B.** Riprap armor at culvert inlet (Keller and Sberal, 2003).

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS





## Division of Environmental Health

100 H Street - Suite 100 - Eureka, CA 95501  
Phone: 707-445-6215 - Toll Free: 800-963-9241  
Fax: 707-441-5699  
[envhealth@co.humboldt.ca.us](mailto:envhealth@co.humboldt.ca.us)

### Authorization for Access to Property

*This form may be used in lieu of obtaining property owner's 'right of entry' authorization on the Water Well Application. Property owner's authorization must be received by Environmental Health prior to permit issuance.*

I authorize the Department of Health and Human Services, Division of Environmental Health, access to my property for the purpose of the initial and final inspection of water well

APN 217-101-002

- ☒ construction  
☐ destruction  
☐ modification

Date 10/26/2016

Property Owner's Name (print) Louis L Peek

Property Owner's Signature [Signature]





## WATER WELL APPLICATION

### CONSTRUCTION – REPAIR – DESTRUCTION

The Well Permit will be returned to the property owner when approved by  
Humboldt County Division of Environmental Health (DEH)

#### Instructions:

1. Complete both sides and submit the Water Well Application with required fee. Include Well Driller's signature and property owner's signature.
2. Work on a well shall not be started prior to approval of the Water Well Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. Well Driller shall notify DEH a minimum of 24 hours prior to sealing the annular space.

Site Address	<u>199 Colony Road</u>	APN	<u>217-101-002</u>
City/State/Zip	<u>Myers Flat</u>	CA	<u>95554</u>
Directions to Site	<u>✓</u>		
Applicant	<u>Fernanda Arellano</u>	Contact	<u>Same</u>
Mailing Address	<u>P.O. Box 2514</u>	Work Phone	<u>—</u>
City/State/Zip	<u>Redway CA 95580</u>	Cell Phone	<u>707-223-6322</u>
Property Owner	<u>Louis L. Peek</u>	Home Phone	<u>—</u>
Mailing Address	<u>P.O. Box 96</u>	Work Phone	<u>—</u>
City/State/Zip	<u>Myers Flat, CA 95554</u>	Cell Phone	<u>—</u>
I hereby grant 'right-of-entry' for inspection purposes <u>[Signature]</u>			
Drilling Contractor	<u>Clay Parker</u>	C-57 License #	<u>1015033ca</u>
I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.			
Well Driller Signature: <u>Clay Parker</u>			
Would driller like a copy of approved application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<input type="checkbox"/> U.S. Mail address: _____			
<input type="checkbox"/> Email address: _____			
Type of Application:	Construction:	Intended Use:	
<input checked="" type="checkbox"/> Construction	Estimated Depth (ft.) <u>300'</u>	<input checked="" type="checkbox"/> Domestic - private	
<input type="checkbox"/> Destruction	Diameter (in.) <u>10"</u>	<input type="checkbox"/> Community Supply	
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.) <u>20'</u>	<input type="checkbox"/> Irrigation	
	Sealing Material <u>Bentonite</u>	<input type="checkbox"/> Other _____	

Estimated Work Dates:

Casing:

Type of Sewage System:

Start \_\_\_\_\_

Diameter (in.) \_\_\_\_\_

☐ Community Sewer

Completion \_\_\_\_\_

Material \_\_\_\_\_

☐ OWTS (Septic)

Distance from well site  
to OWTS \_\_\_\_\_

**Special Requirements/Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLOT PLAN**

Coastal Zone: ☐ Yes ☐ No

**FOR OFFICE USE ONLY**

Fee: \_\_\_\_\_

Date: \_\_\_\_\_

Receipt: \_\_\_\_\_

Project #: \_\_\_\_\_

Paid by: \_\_\_\_\_

Site Approved by: \_\_\_\_\_

Site Approved Date: \_\_\_\_\_

Sealed to Depth of: \_\_\_\_\_

Seal observed:

☐ Yes ☐ No

Final Approved Date: \_\_\_\_\_



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

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

Applicant Name: Next Green Generation APN: 217-101-002

Planning & Building Department Case/File No.: 12182

Road Name: Eel Rock (complete a separate form for each road)

From Road (Cross street): Colony Rd

To Road (Cross street): \_\_\_\_\_

Length of road segment: 800 ft miles Date Inspected: 02/15/2018

Road is maintained by: ☐ County ☒ Other Self  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

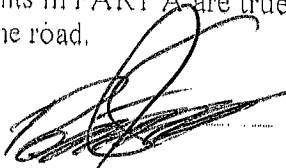
- Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.
- Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If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

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

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

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

Signature



Date

02/15/2018

Name Printed

David Acellando

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

## 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	✓	Comments	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)
RWQCB		No response	
CA Division of Water Resources		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	
PGE		No response	





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

9/15/2017

**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, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Southern Humboldt Joint Unified School District, Humboldt County Sheriff

**Applicant Name** Next Green Generation **Key Parcel Number** 217-101-002-000

**Application (APPS#)** 12182 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-432

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 9/30/2017**

Planning 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: 4/18/18

PRINT NAME: Rudy Mavenghi

217-101-002



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.: 46304/12182  
Parcel No.: 217-101-002  
Case No.: SP16-432

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: 5,500 Sqft of mixed-light and 2,100 Sqft of outdoor has changed into 7,040 Sqft of mixed-light.
- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☐ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: Revise plot plan to show all GH's with dimensions and use (Mixed-light or outdoor), all structures with dimensions and use, all grading, all water tanks, 1300 Sqft of outdoor as decommissioned, the proposed propagation GH, the spring, the stream at south end of parcel with SMA and setbacks, all propane tanks, all solar panels, 800 Sqft of outdoor as decommissioned, and the GH's numbered.

Name: Rudy Mavenghi

Date: 4/18/18

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



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

*DEH received  
9-18-17*

**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, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Southern Humboldt Joint Unified School District, Humboldt County Sheriff

**Applicant Name** Next Green Generation **Key Parcel Number** 217-101-002-000

**Application (APPS#)** 12182 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-432

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

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

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

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

**Return Response No Later Than**

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

**We have reviewed the above application and recommend the following:**

Conditional Approval

**DISTRIBUTED**

4-27-18

**Comments:**

DEH recommends approval with the following conditions:

1. No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system.
2. The approval of an unpermitted OWTS described in the provided Cultivation and Operations plan as serving a residence is dependent upon demonstration of site suitability from a Qualified Professional.
3. 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.
4. One well is described in the Cultivation and Operations Plan provided. **Legalize or destroy the well:** Provide documentation to verify legal non-conforming status, retroactively permit the well or complete a well destruction permit for the well.

\*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11



\*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 commends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

**Response Date: 4/26/2018 Recommendation By: Joey Whittlesey**



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

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

ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

AVIATION

839-5401

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

ADMINISTRATION

445-7491

BUSINESS

445-7652

ENGINEERING

445-7377

FACILITY MAINTENANCE

445-7493

NATURAL RESOURCES

445-7741

NATURAL RESOURCES PLANNING

267-9540

PARKS

445-7651

ROADS & EQUIPMENT MAINTENANCE

445-7421

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

DATE: 4-17-2018

RE:

Applicant Name	Next Green Generation
APN	217-101-002
APPS#	12182 SPI6-432

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:

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// END //

## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12182

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //

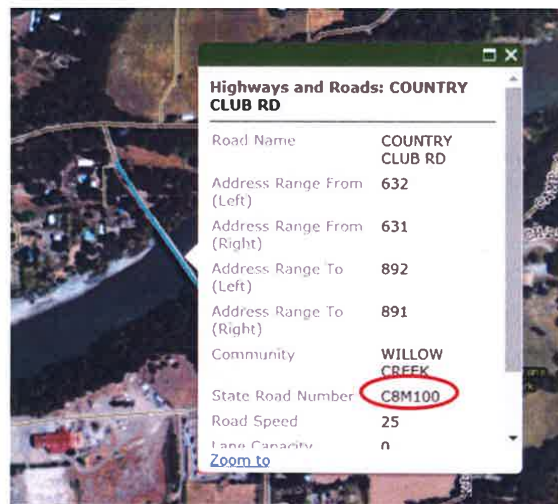
## Road Evaluation Reports

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.

<b>"APPROVED LIST"</b> <b>List of County Maintained Roads that meet (or are equivalent to)</b> <b>Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive 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
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
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]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	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 [Gate]
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
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //



## California Department of Fish and Wildlife CEQA: Project Referral Comments

Applicant: Next Green Generation		Date: 4/10/2019	
APPS No.: 12182	APN: 217-101-002	DFW CEQA No.: 2017-0783	Case No.: SP16-432
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 5,500 <input checked="" type="checkbox"/> Outdoor (SF): 2,100	

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 provide the following information prior to Project Approval:** *(All supplemental information requested shall be provided to the Department concurrently)*

- ☒ If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- ☒ If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.
- ☒ Project is located within Northern Spotted Owl (*Strix occidentalis caurina*), a State- and Federally-Threatened species) potential habitat. CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise and light attenuation.

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

- ☒ Water for this Project is sourced from a groundwater well. It is estimated that water use may be as high as 100,000 gallons per year. CDFW requests that the groundwater well be inspected to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test or similar assessment to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.



- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- ☒ 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*), amphibians, reptiles, aquatic invertebrates, mammals, and birds.

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

Sincerely,

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

**From:** [Ryan, Meghan](#)  
**To:** [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)  
**Cc:** [Bocast, Kalyn@Wildlife](mailto:Bocast.Kalyn@Wildlife)  
**Subject:** APPS #12182 - Next Green Generation, Inc - APN 217-101-002 - JULY 9, 2020 TARGETED HEARING DATE  
**Date:** Wednesday, June 10, 2020 11:40:36 AM  
**Attachments:** [image001.png](#)

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Good morning, Scott – I hope you are doing well. Thank you for CDFW comments dated April 10, 2019, for the Next Green Generation, Inc., project near the community of Eel Rock. Below are my responses:

1. I inquired with the agent if a LSA Notification has been submitted to CDFW. The water source is a groundwater well and the WRPP recommends replacement of one undersize culvert. Conditions of approval will require the applicant to notify CDFW if they have not already.
2. No new ground will be disturbed as a part of this application. The applicant is proposing 3 new water tanks that will be placed within already disturbed lands.
3. Conditions of approval will require the installation of a water meter to confirm that the well provides a quantity of water that matches the demand for a project of this size. An ongoing condition of approval will be county verification of the meter during annual site inspections. If we have reason to believe that their listed water source (the well) does not meet the demand, they will have to modify their permit in the future. The applicant will also need to permit the well through DEH and notify CDFW if they have not done so as a part of the compliance agreement.
4. The following conditions of approval will be included regarding noise and light attenuation for mixed light cultivation and the propagation nursery:
  1. 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. Within 30 days of the effective date, the applicant can demonstrate to compliance with this standard.
  2. 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. Within 30 days of the effective date, the applicant can demonstrate to compliance with this standard.

5. The remaining items are included as conditions of approval.

Please let me know if you have any additional questions or comments.

Best,  
Meghan

--



**MEGHAN RYAN**  
Senior Planner  
[Planning and Building Department](#)  
County of Humboldt  
3015 H Street  
Eureka, CA 95501  
707.445.7541

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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



Ref: 7100 Planning  
Date: September 22, 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:** 217-101-002-000  
**Area:** Eel Rock  
**Case Numbers:** SP16-432

**Humboldt County Application #:** 12182  
**Type of Application:** Special Permit  
**Date Received:** 9/16/2017  
**Due Date:** 9/30/2017

**Project Description:** A Special Permit for 5,500 square feet of existing mixed-light and 2,100 square feet of existing outdoor cannabis cultivation is requested. Processing will take place in an ADA compliant processing facility on-site. Water used for irrigation is sourced from a well on the property. There are 23,550 gallons of tank water storage on-site. Power is supplied by Pacific Gas & Electric and an emergency generator.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## **FIRE SAFE**

### **General:**

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

### **Local Responsibility Areas:**

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

### **State Responsibility Areas:**

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

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

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

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

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

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

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

## RESOURCE MANAGEMENT

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

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

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



## **CANNABIS PROJECTS**

### **Local Responsibility Areas:**

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

### **State Responsibility Areas:**

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

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

### **General Recommendations:**

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that 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.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. 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 and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.