



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: August 13, 2020

To: John H. Ford, Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Two Bit Ranch, LLC, Special Permit**
Record Number: PLN-12248-SP
Assessor's Parcel Number: 223-124-003
25 Mahan Road, Garberville area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 13, 2020	Special Permit	Meghan Ryan

Project Description: A Special Permit for 7,832 square feet of existing outdoor cannabis cultivation. There is 588-square-foot propagation area within an existing structure. Cultivation occurs from May to September with maintenance activities occurring all year round. There is one harvest annually. A portion of two historic cultivation areas were relocated to environmentally superior locations on the subject parcel. Water for irrigation is sourced from a point of diversion of an unnamed spring located on APN 223-124-001. Annual water usage is 60,434 gallons. Water is stored in 10 storage tanks totaling 43,500 gallons. Processing, including drying and trimming, occurs on-site in an existing structure or the applicant may elect to take harvested cannabis off-site to a licensed facility for processing. No employees are required as the resident-operator and family conducts cultivation and processing activities. Electricity is sourced from P. G. & E.

Project Location: The project is located in Humboldt County, in the Garberville area, on the North side of Alderpoint Road, approximately .35 miles East from the intersection of Sheep Camp Road and Alderpoint Road, on the property known as 25 Mahan Road.

Present Plan Land Use Designation: Residential Agriculture (RA), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High Instability (3).

Present Zoning: Unclassified (U)

Record Number: PLN-12248-SP

Assessor Parcel Number: 223-124-003

Applicant

Two Bit Ranch, LLC
Attn: Carole Willard-Clark
PO Box 2340
Redway, CA 95560

Owner

John C. Clark
PO Box 2340
Redway, CA 95560

Agent

Janssen Malloy, LLP
Attn: Jeff Slack
PO Drawer 1288
Eureka, CA 95502

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

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

Major Issues: None.

TWO BIT RANCH, LLC
Record Number: PLN-12248-SP
Assessor's Parcel Number: 223-124-003

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 Permits based on evidence in the staff report and adopt the Resolution approving the proposed Two Bit Ranch, LLC, project subject to the recommended conditions.

Executive Summary: Two Bit Ranch, LLC (Applicant), seeks approval of a Special Permit for an existing 7,832-square-foot outdoor cultivation operation located on a on Assessor's Parcel Number (APN) 223-124-003, which is approximately 29 acres in size. The parcel is currently developed with one single family residence and agriculture accessory structures. The existing cultivation areas consist of three cultivation sites with both full sun outdoor and greenhouse areas. There will be one harvest annually. Processing, including drying, curing and trimming, would occur on-site in an existing barn. The site is served by an On-site Wastewater Treatment System (OWTS) for the single family residence and will be used to connect handwashing and bathroom facilities in the barn where processing will occur. The Department of Environmental Health recommended approval of the project. The resident-operator will conduct cultivation activities on the subject parcel; no employees are required. Security measures include perimeter fencing, gated entry and security cameras. Power to the site is provided by P. G. & E.

As recommended by the Water Resource Protection Plan, an approximately 800-square-foot outdoor cultivation area was relocated from the northwest cultivation area to the central cultivation area. A relocation letter prepared by Timberland Resource Consultants dated August 22, 2018, states that the historic outdoor cultivation area was located on steep slopes and recommended relocation to the central area of the parcel (see Attachment 4). The full sun outdoor cultivation area was placed into greenhouse structures. Planning staff supports the relocation and reorganization into greenhouses as the cultivation area and number of harvests remained the same and the greenhouses improve water conservation. According to the letter, the relocation site appeared to be previously disturbed with less steep slopes.

Irrigation water is currently sourced from a point of diversion located on an unnamed watercourse on APN 223-124-001. The diversion was initiated in 1979, prior to the effective date of the Streamside Management Area and Wetland Ordinance (SMAWO) and thus are not subject to an after-the-fact Special Permit for their continued use. The applicant anticipates that annual water demand would be approximately 60,434 gallons (7.7 gallons/sf). There is currently 43,500 gallons of water storage in hard-sided tanks. The WRPP recommends increasing water storage to meet the forbearance requirements included in the State Cannabis Cultivation Policy, which would add approximately 14,000 more gallons of water storage. The applicant obtained a Right to Divert Water (Certificate Number H100334) from the State Water Resource Control Board (SWRCB) that allows for diversion and storage of water from the point of diversion on spring that is tributary to Dean Creek for irrigation. The applicant submitted a Lake or Streambed Alteration Notification from the Department of Fish and Wildlife (CDFW) for the point of diversion and remediation activities on the subject parcel. The applicant is required to submit a copy of the Final Streambed

Alteration Agreement. Conditions of approval require the applicant has installed water flow meters in accordance with applicable regulations. Ongoing conditions of approval require the ongoing compliance with SWRBC and CDFW regulations and require that water meter records be made available during annual inspections of the site.

Access to the parcel is provided by Mahan Road, approximately 0.2 miles from it's intersection with Alderpoint Road. The Humboldt County Department of Public Works requested a Road Evaluation Report for the privately-maintained portion of the access road (see Attachment 4). The applicant provided a self-certified Road Evaluation Report. The reports indicate, and County analysis of aerial imagery confirms, that the roads are developed to offer the functional capacity of a Category 4 roadway.

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

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

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

**Record Number PLN-12248-SP
Assessor Parcel Number: 223-124-003**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Two Bit Ranch, LLC, Special Permit request.

WHEREAS, Two Bit Ranch, LLC, submitted an application and evidence in support of approving a Special Permit to continue 7,832 square feet (SF) of existing outdoor cannabis cultivation on APN 223-124-003. There is a 588-square-foot propagation area within an existing structure. There is one harvest annually. Water is provided by a point of diversion in an unnamed stream that is tributary to Dean Creek. Annual water usage is 60,434 gallons and water storage totals 43,500 gallons. An additional 14,000 gallons will be added to the site to meet forbearance requirements. No employees are required. Processing, including drying, curing and trimming, is conduct on-site in an existing structure. Power is provided by P. G. & E.; and

WHEREAS, the County Planning Division has reviewed the submitted application and substantial supporting evidence, and has referred the application and evidence to 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-12248-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on August 13, 2020.

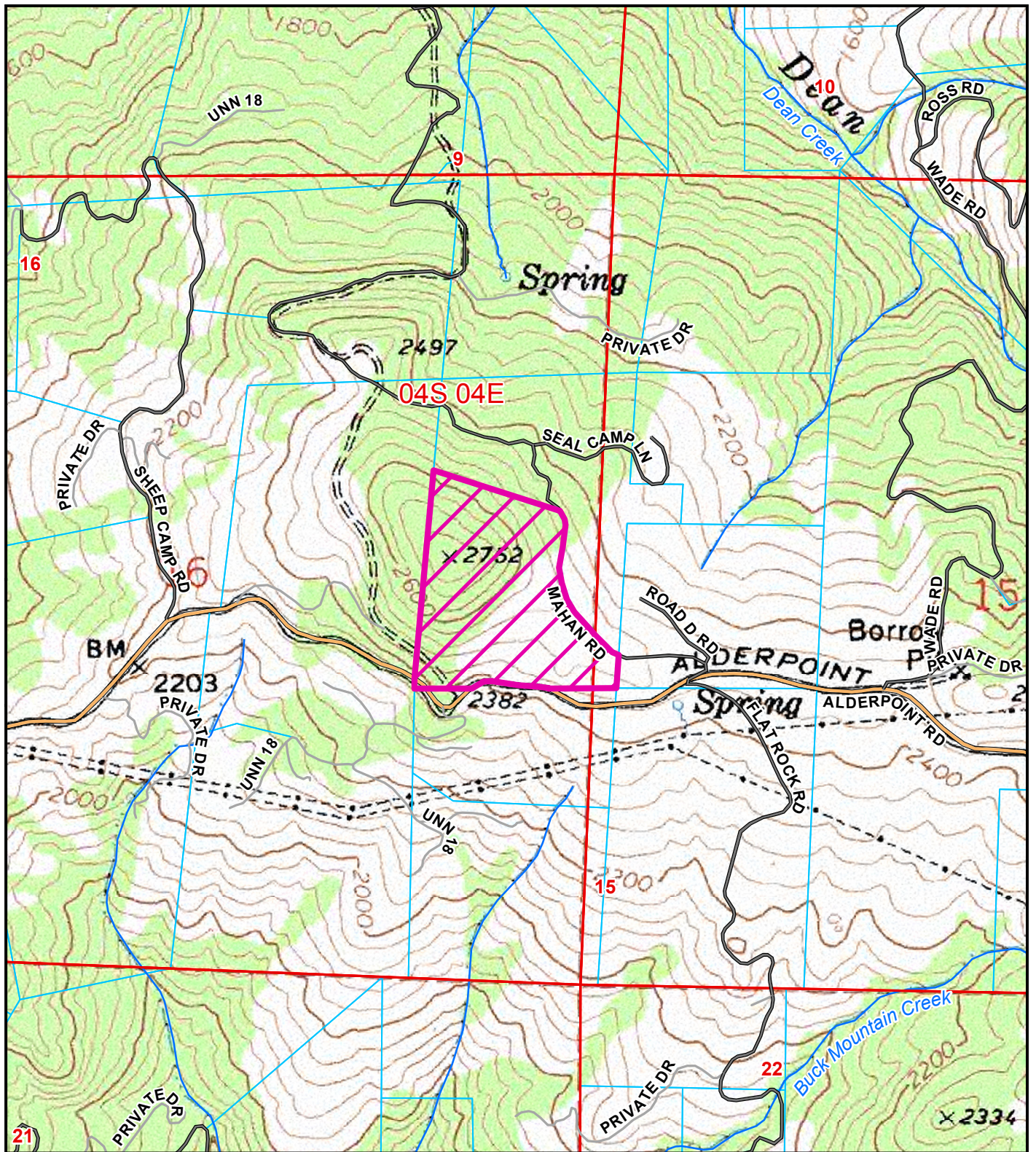
NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that:

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 Planning Division staff report of Record Number PLN-12248-SP based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-12237-SP is approved as recommended and conditioned in Attachment 1 for Record Number PLN-12248-SP.

Adopted after review and consideration of all the evidence on August 13, 2020.

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

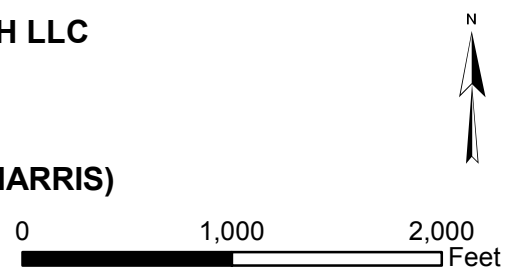
John Ford
Zoning Administrator
Planning and Building Department

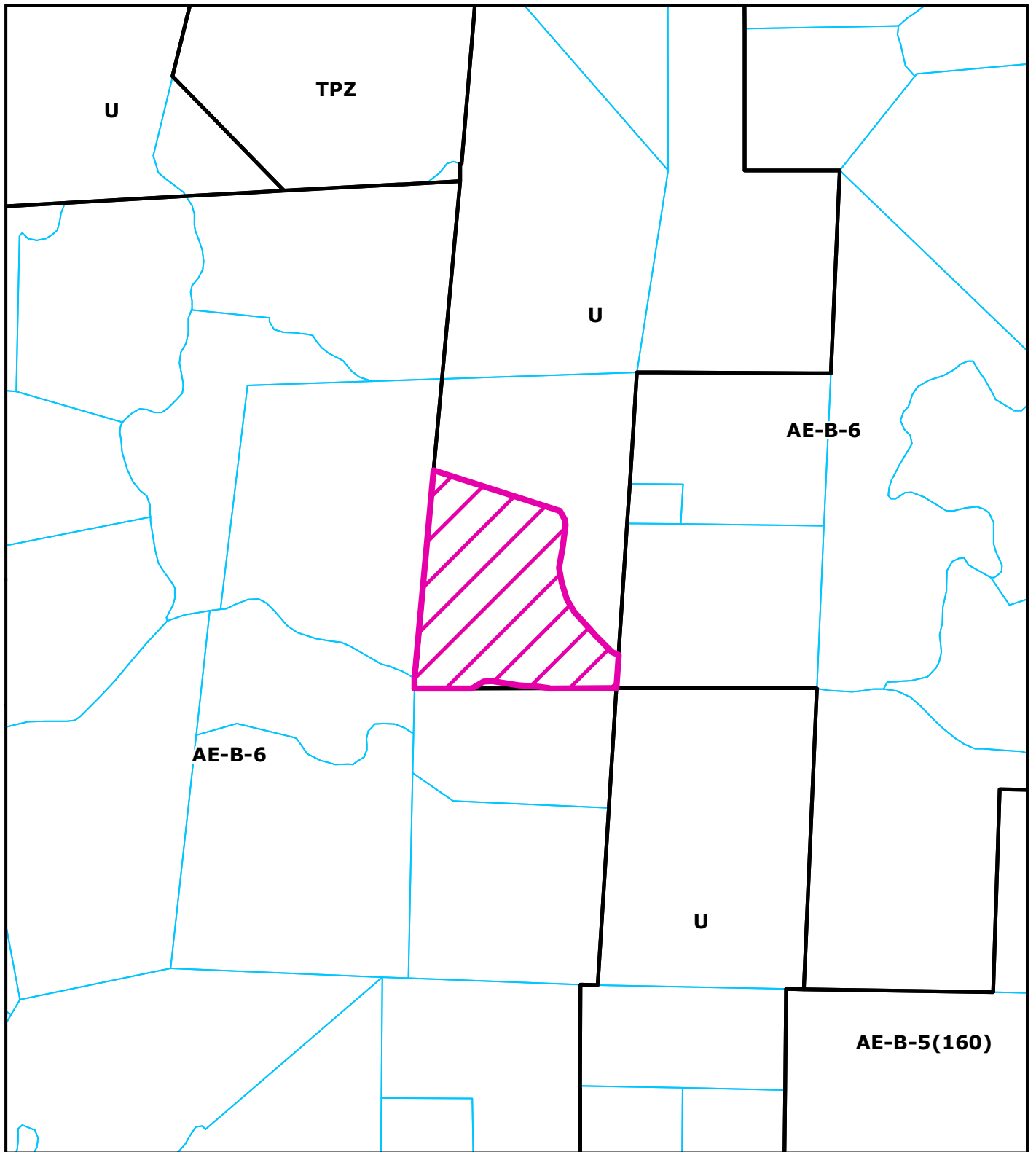


Project Area = 

TOPO MAP
PROPOSED TWO BIT RANCH LLC
GARBERVILLE AREA
SP-16-459
APN: 223-124-003-000
T04S R04E S16; S15 HB&M (HARRIS)

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



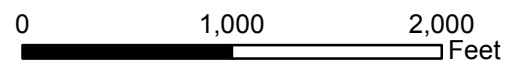


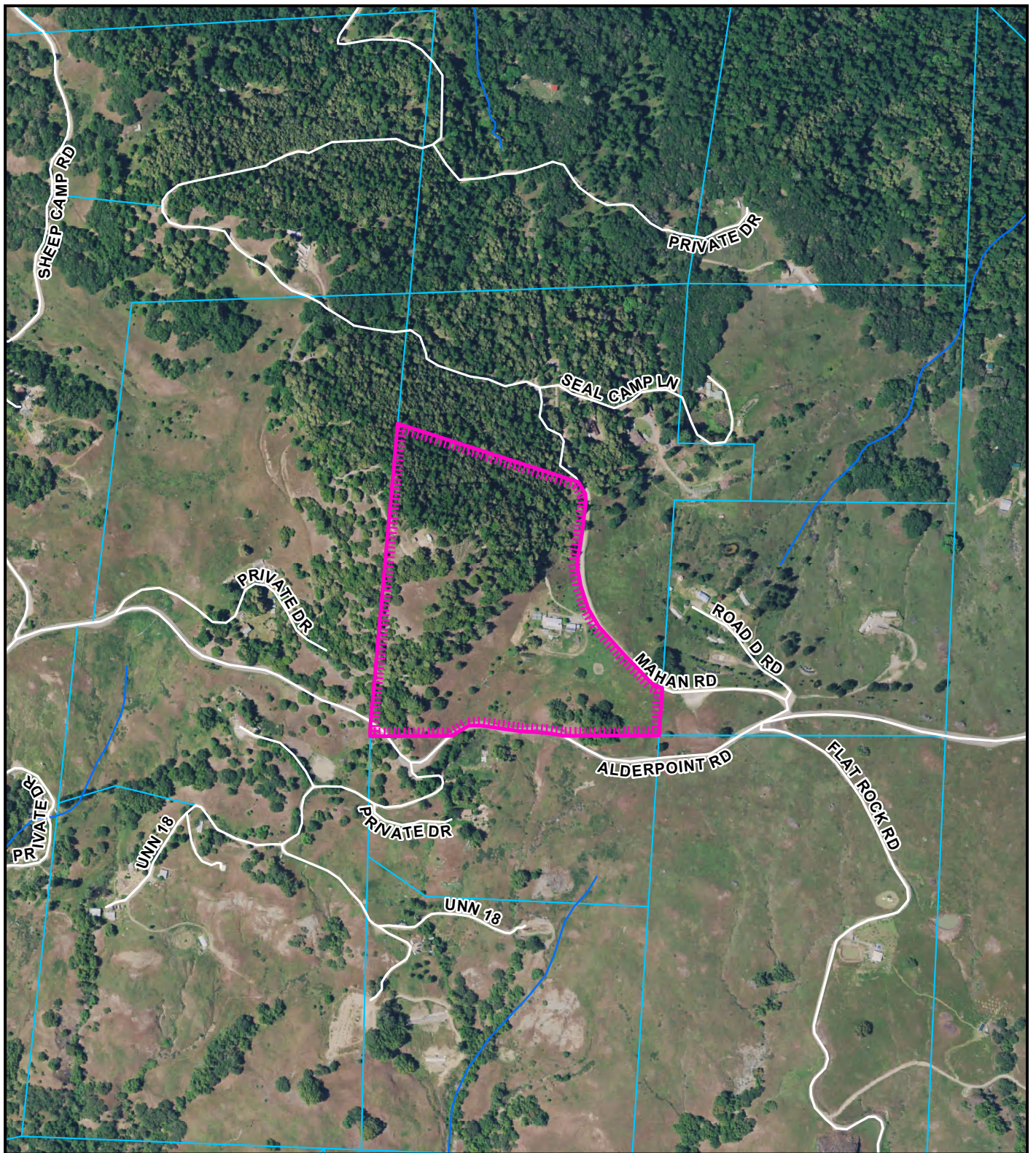
Project Area = 

ZONING MAP
PROPOSED TWO BIT RANCH LLC
GARBERVILLE AREA
SP-16-459
APN: 223-124-003-000
T04S R04E S16; S15 HB&M (HARRIS)



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





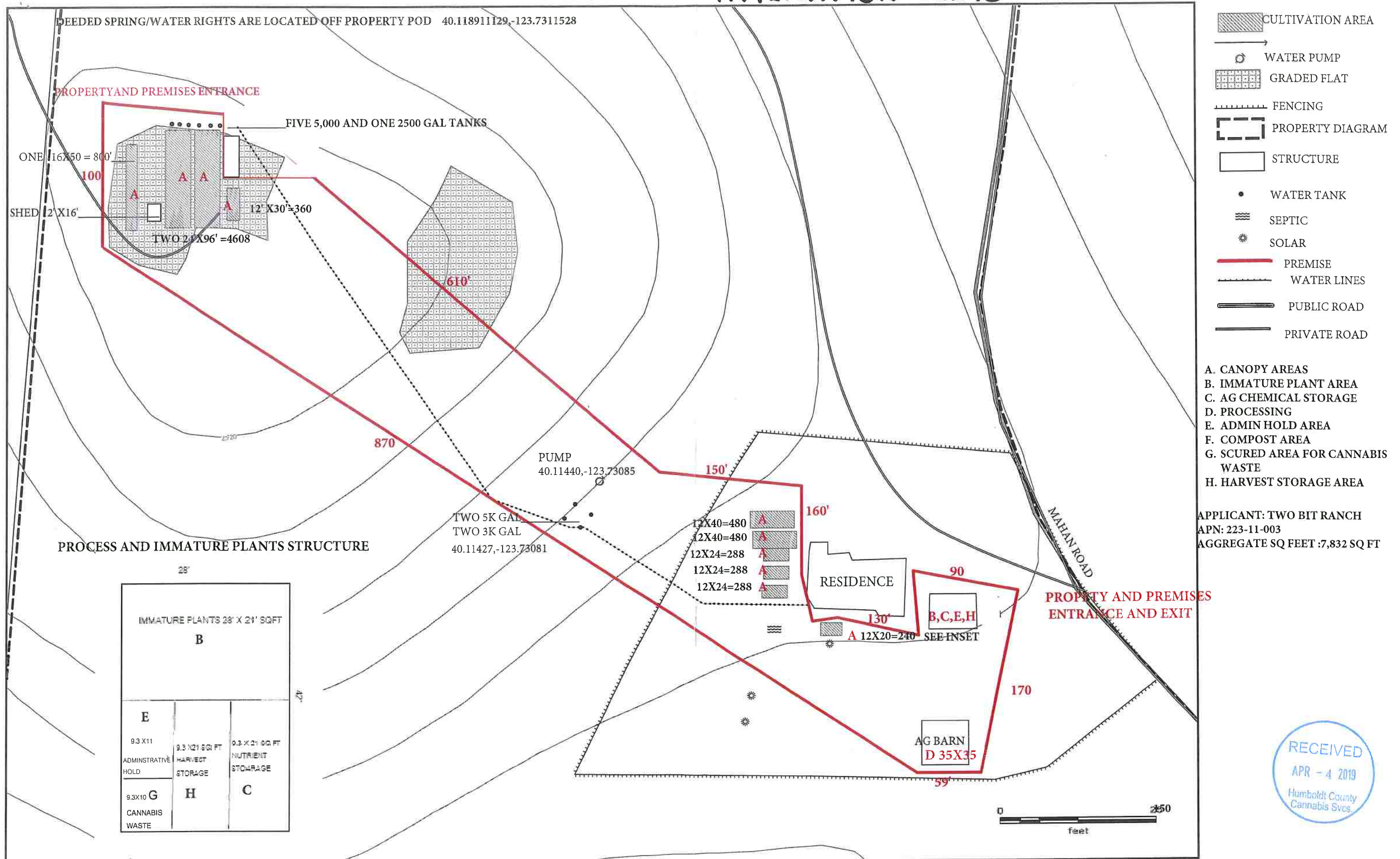
Project Area = 

**AERIAL MAP
PROPOSED TWO BIT RANCH LLC
GARBERVILLE AREA
SP-16-459
APN: 223-124-003-000
T04S R04E S16; S15 HB&M (HARRIS)**

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.

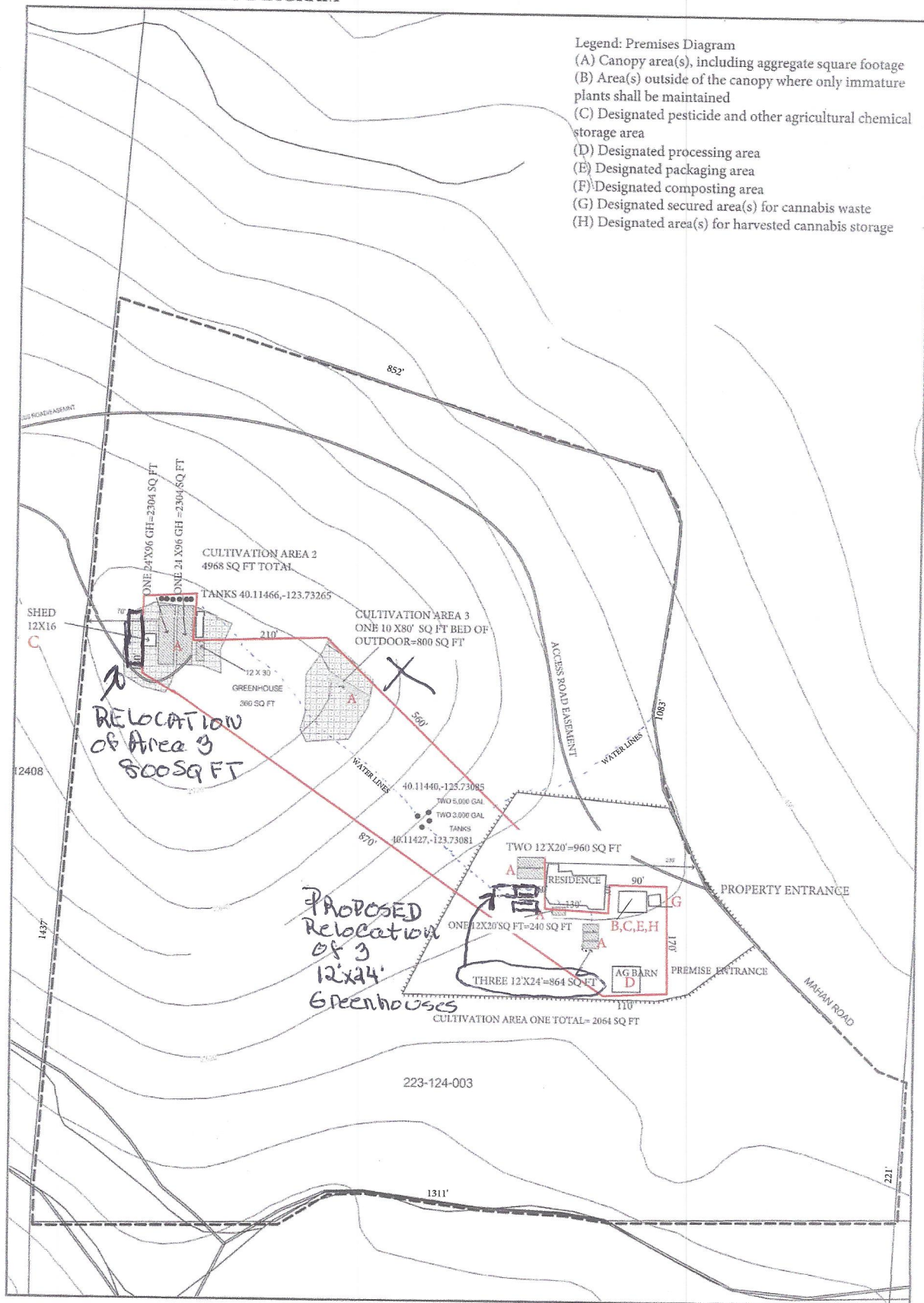
0 800 1,600 Feet





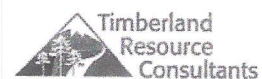
PROPERTY DIAGRAM

- Legend: Premises Diagram
 (A) Canopy area(s), including aggregate square footage
 (B) Area(s) outside of the canopy where only immature plants shall be maintained
 (C) Designated pesticide and other agricultural chemical storage area
 (D) Designated processing area
 (E) Designated packaging area
 (F) Designated composting area
 (G) Designated secured area(s) for cannabis waste
 (H) Designated area(s) for harvested cannabis storage



APPLICANT: TWO BIT RANCH
 APN: 223-124-003
 ZONING: U-UNCLASSIFIED
 AL-FRAMEWORK
 LOT SIZE: 30 ACRES
 CULTIVATION AREA: 7,832 SQ FT OUTDOOR
 ASSIGNED ADDRESS:
 25 MAHAN RD GARBerville, CA

- PROPERTY BOUNDARY
- FENCING
- CULTIVATION AREA
- WELL SITE
- LEECH FIELD/SEPTIC
- SOLAR PANELS
- WATER STORAGE TANK
- GRADER FLAT
- PREMISE 1
- WATER LINES



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #4 - 7. 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 60 days of the effective date of project approval, the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
3. Within 60 days of the effective date of project approval, the applicant shall provide 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), to 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.
4. The applicant shall secure permits for all structures (including, but not limited to: greenhouses, water tanks and accessory structures) and grading (including road improvements and graded flats) related to the historic and proposed 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. Existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
5. The applicant shall improve the intersection of Alderpoint Road and Mahan Road as follows:
 - 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; OR
 - 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.

The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.

6. 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.
7. 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.
8. The applicant shall contact the Garberville Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
9. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
10. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
11. 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.

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 Cultivation and Operations Plan, 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
2. The applicant shall be responsible for obtaining all necessary County and State permits or licenses, and for meeting all the requirements as set forth by other regulatory agencies.
3. The applicant shall retain snags within the Streamside Management Area unless felling is required by CAL-OSHA, or by the California Department of Forestry forest and fire protection regulations, or for public health and safety reasons, approved by the Planning and Building

Director. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash or fuels.

4. The applicant shall retain live trees in the Streamside Management Area with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
5. Applicant shall not use monofilament (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.
6. The applicant shall make available the water meter records of the current and previous year for review during annual inspections by planning division staff.
7. 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.
8. The noise produced by any generator, fan, dehumidifier, pump or any other noise producing element of the project shall not exceed 50 decibels at 100 feet from the noise source or at the edge of habitat, whichever is closer.
9. Applicant shall comply with the standard CDFW Bullfrog Management Plan and report to CDFW on an annual basis to demonstrate compliance.
10. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
11. All snags, living trees and other components of the overstory shall be retained in the operation of the existing diversion.
12. Access road shall be maintained to provide safe ingress and egress for the anticipated traffic and emergency response vehicles.
13. The applicant shall acquire any permits or perform any reporting forms necessary to achieve compliance with the Hazardous Materials program of the Humboldt County Environmental Health Division, a Certified Unified Program Agency (CUPA).
14. The applicant shall contain the lights used in the ancillary nursery meeting the International Dark Sky Standard Lighting Zone 0.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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).
20. 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.
21. The applicant shall adhere to the terms and conditions of the Right to Use and Divert Water (Certificate #H100385) issued by the State Water Resource Control Board and comply with all applicable terms.
22. The applicant shall adhere to the Final Lake and Streambed Alteration Agreement (Notification #1600-2016-0356-R1) effective June 29, 2017, by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
23. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
24. 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).
25. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
26. 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.
27. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
28. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

29. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

30. 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."
31. 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).
32. 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; and,
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
33. 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; and
 - (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.
34. 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; and
 - IX. On-site housing, if any.
35. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire after 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.
36. If the inspector or other County official determines that the permittee(s) or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
37. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal 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.
38. 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.
39. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;

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

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #25 and 26 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the

Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.
9. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA): This designation is intended for large lot residential uses that typically rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 40 acres/unit.</p>	<p>The project entails the outdoor cultivation of 7,832 square feet (SF) of existing outdoor cannabis cultivation on an approximately 40-acre parcel. General and intensive agriculture are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The property is accessed via approximately 0.2 miles of private road known as Mahan Road from it's intersection with Alderpoint Road which is County-maintained and approved for use by commercial cannabis operations. In a memorandum dated 01/7/2019, Public Works requested a Road Evaluation Report be prepared for the private roads providing access to the subject parcel and that the intersection of Mahan Road be paved to a minimum width of 20 feet and a minimum length of 50 feet and that the intersection be maintained in accordance with the Sight Visibility Ordinance at its intersection with Alderpoint Road (see Attachment 5). The applicant provided a self-certified roadway evaluation indicating that the entire road segment is developed to the equivalent of a road category 4 standard. Mahan Road is maintained by a road association as indicated on the Road Evaluation Report. Conditions of approval include compliance with intersection visibility standards and improving the intersection of ,Mahan Road and Alderpoint Road. Any improvements require the applicant to obtain an encroachment permit from DPW prior to completion.</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 can be found consistent with the Conservation and Open Space Element because the proposed 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. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program (see Biological Resources Section 10.3 for additional discussion).

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; BR-P6, Development within Streamside Management Areas; BR-P7, Wetland Identification.</p>	<p>There are no mapped Special Status species on the subject parcel. The power source for the operation is P. G. & E. This project is for outdoor cultivation, no artificial lighting in greenhouses are proposed. The 588-square-foot propagation area is fully enclosed in an existing structure. The nearest Marbled murrelet habitat and nearest Northern Spotted Owl activity center is more than 5 miles from the subject parcel. This project is not located in an area that requires noise attenuation measures. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 60 dB at the property line.</p> <p>See findings for <i>Stormwater Drainage</i> (Chapter 11, <i>Water Resources</i>) for additional information regarding culvert replacements and permitting requirements.</p> <p>See findings for the <i>Streamside Management Area</i> (SMA) for additional information regarding culvert replacements and relocation of historic cultivation areas.</p> <p>See findings for <i>Performance Standards – Water</i> for additional information regarding water use and storage.</p> <p>The applicant notified the Department of Fish and Wildlife (CDFW) for the both point of diversion and proposed remediation work on the parcel. Conditions of approval require the applicant to adhere to and implement all recommendations and requirements of Rights to Divert and Use Water from the SWRCB and the Final Streambed Alteration Agreement issued by CDFW. The California Department of Fish and Wildlife (CDFW) was referred on January 3, 2019. No response was received. Planning staff contacted CDFW directly on July 20, 2020, to see if their agency would like to comment on the project(see Attachment 5). Several conditions of approval requested by CDFW for wildlife and watershed protection, such as preparation and implementation of a bullfrog management plan and a prohibition on use of synthetic netting, are incorporated into the project. As conditioned, the project is consistent with the Biological Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation]</p>	<p>No known significant archaeological or historic period cultural resource are located in the project area. The project was referred to the Northwest Information Center, the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The Northwest Information Center and the Bear River Tribal Historic Preservation Officer (THPO) recommended further study of the subject parcel. Although the Cultural Resources Investigation concludes that it would be unlikely to encounter significant buried archaeological materials at this location during implementation of the permit, it is noted that the potential for inadvertent discovery of such resources exists. A condition of project approval has been incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Section relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2)</p> <p>Related policies: SR-S4, Light and Glare.</p>	<p>The project involves 7,832 SF of outdoor cannabis cultivation. There is also 588-square-foot of propagation area that requires the use of artificial lighting, however, the is located within an existing structure. Therefore, the proposed project will continue to fully shield existing so that it does not direct light within the property boundaries. With these conditions of approval, the proposed project would meet the goals and policies contained in this chapter relating to the protection of scenic areas. As conditioned, the project is therefore consistent with the Scenic Resource policies of the General Plan.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Section 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-P42, Erosion and Sediment Control Measures.</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. R1-2015-0023 and required the preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. Timberland Resource Consultants prepared a WRPP revised April 9, 2018 (see Attachment 4). The WRPP identified 1 standard condition from the NCRWQCB's Order No. R1-2015-0023 that was not met and recommended the applicant install additional water storage to meet the forbearance period. Conditions of approval require the applicant to adhere to and implement the recommendations in the WRPP and submit and monitoring and reporting documentation submitted to the NCRWQCB to the Planning Department.</p> <p>As recommended by the Water Resource Protection Plan, an approximately 800-square-foot outdoor cultivation area was relocated from the northwest cultivation area to the central cultivation area. A relocation letter prepared by Timberland Resource Consultants dated August 22, 2018, states that the historic outdoor cultivation area was located on steep slopes and recommended relocation to the central area of the parcel (see Attachment 4). The full sun outdoor cultivation area was placed into greenhouse structures. Planning staff supports the relocation and reorganization into greenhouses as the cultivation area and number of harvests remained the same and the greenhouses improve water conservation. According to the letter, the relocation site appeared to be previously disturbed with less steep slopes.</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</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		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.
Water Resources Chapter 11 Onsite Wastewater Systems	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) Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.	There is an existing Onsite Wastewater Treatment System (OWTS) associated with the residence that will be used to support bathroom and handwashing wastewater from the processing barn. There are no employees required for operations. The Department of Environmental Health recommended approval of the project.
Noise Chapter 13	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) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	The power source for the operation is P. G. & E. This project is for outdoor cultivation, no artificial lighting in greenhouses are proposed. The 588-square-foot propagation area is fully enclosed in an existing structure. The nearest Marbled Murrelet habitat and nearest Northern Spotted Owl activity center is more than 5 miles from the subject parcel. This project is not located in an area that requires noise attenuation measures. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 60 dB at the property line.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1 to 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 parcel is rated to have high seismic instability rating. There are mapped historic landslide areas near the central portion of the parcel by the single family residence. According to the Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants revised April 9, 2018, there are no areas of instability and no visual evidence of run-off (see Attachment 4). Conditions of approval require the applicant obtain grading permits for the onstream pond development from the Building Inspection Division.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; 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 17 miles distance from the coast and elevation at approximately 2,400 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential. (S-G4)</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel has a high fire hazard severity rating. The parcel is within the response area of the Garberville Fire Protection District Response Area and within 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 reviewed the project and provided standard comments regarding compliance with the requirements of the County's Fire Safe Regulations, Resource Management policies, and Cannabis cultivation. The Humboldt County Fire Safe Ordinance 1952 (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas (SRA), including the maintenance of a minimum of 30 feet of defensible space from all parcel boundaries (Section 3115-2).</p> <p>According to the site plan and parcel boundary survey there are no cultivation areas or structures within 30 feet from a parcel boundary. There no employees required to meet operational needs. There is approximately 46,450 gallons of water storage on-site in a series of hard-sided tanks. Both irrigation water sources can be used for fire protection in an emergency situation.</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>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Garberville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>As a condition of project approval, 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.</p>

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 subject parcel (APN 223-124-003) is one legal parcel created by Parcel Map 1192 (lot 2) recorded in Book 10 of Parcel Maps page 103. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1 Unclassified	Unclassified (U): 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 following Code sections have been adopted to protect the health, safety and general welfare of the citizens and to insure orderly development in conformance with the General Plan.	The applicant is seeking a Special Permit for an existing 7,832-square-foot outdoor cannabis cultivation operation on a property zoned U. The proposed use 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 Area:	6,000 square feet	29 acres
Minimum Lot Width:	50 feet	841 feet
Minimum Lot Depth:	100 feet	1,432 feet
Max. Lot Coverage:	40%	<5%
Min. Yard Setbacks (through the SRA requirements):	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet, all sides	Front: <30 feet Rear: <30 feet Sides: <30 feet
Max. Building Height:	None specified	<35 feet

§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	There are no mapped Streamside Management Areas on the subject parcel as reviewed on the Humboldt County WebGIS. According to the WRPP, there are no stream crossings on the subject parcel and all cultivation areas are located outside of SMAs and buffers required by the State Cannabis Cultivation Policy. Water for irrigation is provided by a point of diversion located on APN 223-124-001 that is an unnamed tributary to Dean Creek. According to the Initial Statement of Water Diversion and Use, the diversion commenced in 1979, therefore, a Special Permit is not required for the diversion.
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timberland Conversion	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	The project site a partially forested site zoned U and was reviewed for timberland conversion. A review of aerial imagery showed that timber removal for development of cannabis cultivation has not occurred on the subject parcel nor is any timber removal proposed. CAL FIRE did not have any comments for the proposed project.

§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	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.	The proposed action is a Special Permit for 7,832 SF of existing outdoor cultivation on APN 223-124-003, which is a 29-acre parcel zoned U. A review of aerial imagery found the 7,832 square feet was cultivation was in existence prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Special Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, Two Bit Ranch, LLC, the applicant, holds only this cannabis activity application, and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Processing activities, including drying, curing and trimming, occur on-site in an existing barn. No cannabis cultivated by other is imported to the site.
§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.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>Irrigation water is currently sourced from a point of diversion located on an unnamed watercourse on APN 223-124-001. The diversion was initiated in 1979, prior to the effective date of the Streamside Management Area and Wetland Ordinance (SMAWO) and thus are not subject to an after-the-fact Special Permit for their continued use. The applicant anticipates that annual water demand would be approximately 60,434 gallons (7.7 gallons/sf). There is currently 43,500 gallons of water storage in hard-sided tanks. The WRPP recommends increasing water storage to meet the forbearance requirements included in the State Cannabis Cultivation Policy, which would add approximately 14,000 more gallons of water storage. The applicant obtained a Right to Divert Water (Certificate Number H100334) from the State Water Resource Control Board (SWRCB) that allows for diversion and storage of water from the point of diversion on spring that is tributary to Dean Creek for irrigation. The applicant submitted a Lake or Streambed Alteration Notification from the Department of Fish and Wildlife (CDFW) for the point of diversion and remediation activities on the subject parcel. The applicant is required to submit a copy of the Final Streambed Alteration Agreement. Conditions of approval require the applicant has installed water flow meters in accordance with applicable regulations. Ongoing conditions of approval require the ongoing compliance with SWRBC and CDFW regulations and require that water meter records be made available during annual inspections of the site.</p>
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§314-55.4.11.d and §314-55.4.8.2.1.4 Performance Standards-Setbacks	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p> <p>On eligible parcels under 5 acres in size, the cultivation area must be set back at least 300 feet from existing residences on adjoining parcels.</p>	The cultivation area is more than 600 feet from known schools, school bus stop, churches, parks, or TCRs. The Southern Humboldt Joint Unified School District has not responded to the project referral. The applicant's site plan shows that the cultivation area conforms to the 30-foot setback for all neighboring parcels. The THPO of the Bear River Band has indicated that there are no known cultural resources on the site.
§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 power source for the operation is P. G. & E. This project is for outdoor cultivation, no artificial lighting in greenhouses are proposed. The 588-square-foot propagation area is fully enclosed in an existing structure. The nearest Marbled murrelet habitat and nearest Northern Spotted Owl activity center is more than 5 miles from the subject parcel. This project is not located in an area that requires noise attenuation measures. Ongoing conditions of approval require the maximum allowable generator noise exposure level is 60 dB at the property line.
§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 22, 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 proposed project will not be detrimental to the public health, safety and welfare since reviewing referral agencies have approved (or conditionally approved) the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinance; and the proposed project is not expected to cause significant environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that 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 property was not included in the 2014 Housing Inventory. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum

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

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

APN 223-124-003, 25 Mahan Road, Garberville, County of Humboldt

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

July 2020

Background

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

The modified project involves a Special Permit for 7,832 square feet of outdoor cannabis cultivation. There is 588-square-foot propagation area within an existing structure. Cultivation occurs from May to September with maintenance activities occurring all year round. There is one harvest annually. A portion of two historic cultivation areas were relocated to environmentally superior locations on the subject parcel. Water for irrigation is sourced from a point of diversion of an unnamed spring located on APN 223-124-001. Annual water usage is 60,434 gallons. Water is stored in 10 storage tanks totaling 43,500 gallons. Processing, including drying and trimming, occurs on-site in an existing structure or the applicant may elect to take harvested cannabis off-site to a licensed facility for processing. No employees are required as the resident-operator and family conducts cultivation and processing activities. Electricity is sourced from P. G. & E.

The project site contains riparian habitat associated with tributaries to Dean Creek, which is tributary to the Eel River. The project includes relocation and restoration of previously used cultivation site that occurred on slopes greater than 40%. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30%. The nearest lands managed for Marbled murrelet habitat is more than 4 miles from the subject parcel. The Nearest Northern Spotted Owl activity center is more than 2 miles from the cultivation areas. Artificial lighting is used to support the 588-square-foot propagation area, however, is completely enclosed within a structure. The applicant has enrolled with the North Coast Regional Water Quality Control Board Wastewater Discharge Program as a Tier 2 discharger. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

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

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 7,832 square feet outdoor cultivation, on-site processing activities, and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Right to Divert and Use Water (Certificate #H100334);
- Road Evaluation Report prepared by the applicant dated November 29, 2017;
- DEH Worksheet;
- Site Plan prepared by Timberland Resource Consultants;
- Cultivation and Operations Plan prepared by Timberland Resource Consultants; and
- Water Resource Protection Plan prepared by Timberland Resource Consultants revised April 9, 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.
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. (On file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Right to Use and Divert Water Certificate No. H100334; On file – Initial Statements of Water Diversion and Use)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. R1-2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Water Resource Protection Plan prepared by Timberland Resource Consultants revised April 9, 2018; On file – enrollment documents)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Condition of Approval – Final Streambed Alteration Agreement; On file – Lake or Streambed Alteration Notification)

9. If the source of water is a well, a copy of the County well permit, if available. (N/A)
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. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (N/A)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report prepared by the property owner dated November 29, 2017. (Attached)
16. DEH worksheet. (On file)
17. Relocation Request prepared by Timberland Resource Consultants dated August 22, 2018. (Attached)
18. Letter dated March 12, 2019, from Carole Willard-Clarke describing relocation of historic cultivation areas. (Attached)

**ADDENDUM TO CULTIVATION OPERATIONS PLAN
TWO BIT RANCH, LLC
APP #12248; APN 223-124-003**

1. **WATER SOURCE AND STORAGE:** The main source of irrigation water is supplied by a spring located off property, which the landowner has deeded access to. Applicant is working with Timberland Resource Consultants to file an initial statement of diversion and use (ISDU), a small irrigation use registration (SIUR) and a California Department of Fish and Wildlife Lake and Streambed Alteration Agreement (1600 Permit) for this surface water diversion. The diversion works is a water course pump. Applicant diverts water to storage from the spring at a rate of five (5) gallons per minute. Applicant will observe the forbearance periods imposed by either: (1) the 1600 permit; or (2) the prescribed forbearance period found in Humboldt County's Commercial Cannabis Ordinance.

Applicant is no longer proposing to drill a well on the property. Applicant has ten (10) water storage tanks with a total capacity of 43,500 gallons. Applicant will work with Timberland Resource Consultants to ensure that the water storage tanks meet the required Best Management Practices (BMPs) found in the North Coast Regional Water Quality Control Board's (NCRWQCBs) Order No. R1-2015-0023 so as not to pose a threat to water quality.

2. **SOURCE OF ELECTRICITY:** Applicant has PG&E power to the site. There is no generator use on site.

3. **EMPLOYEES:** Applicant's managers will be responsible for all cultivation related activities and applicant will not be hiring additional employees for any cultivation activities.

4. **PROCESSING ACTIVITIES:** Processing will take place in the existing ag building and residence garage, as shown on the site plan.

TWO BIT RANCH, LLC

CULTIVATION, OPERATIONS, AND SECURITY PLAN

OPERATIONS PLAN

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

WATER SOURCE AND STORAGE: The main source of irrigation water is supplied by a spring located off property, which landowner has deeded access to. Applicant has filed an initial statement of diversion and use (ISDU) with the California State Water Resources Control Board (SWRCB) – Division of Water Rights for this diversion. The diversion works is a water course pump. Applicant diverts water to storage from the spring at a rate of five (5) gallons per minute (GPM). Applicant is working with Timberland Resource Consultants (TRC) to develop a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) for this diversion. Applicant will observe the forbearance periods either: (1) imposed by agreement by CDFW; or (2) if none, the prescribed forbearance period found in the Humboldt County Medical Marijuana Land Use Ordinance (CMMLUO).

Applicant has proposed to drill a well on the property at the location shown on the site plan. Applicant will permit this well and provide documentation regarding the well's output upon completion.

STORAGE: Applicant has nine (12) water storage tanks with a total storage capacity of 49,140 gallons. Applicant will work with TRC to ensure that tanks are anchored sufficiently pursuant to Best Management Practices (BMPs) found in the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. R1-2015-0023 so that they do not pose a threat to water quality.

IRRIGATION PLAN: Irrigation water is applied at agronomic rates to minimize over watering cannabis plants and reducing the risk of irrigation runoff. Applicant anticipates watering cannabis plants every three days during the growing season. Irrigation is applied through a traditional drip irrigation and by hand watering using a spray stick or wand. Applicant waters in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier is used to minimize weed growth, which reduces water loss during watering. Applicant uses natural soil amendments to aid in soil moisture retention as part of irrigation plan.

PROJECTED WATER USAGE: Applicant will be cultivating approximately 7,832 sq. ft. of outdoor, full term cannabis pursuant to a special permit. Based on historical usage, and Applicant's irrigation practice of watering every three days, Applicant anticipates using approximately 54,000 gallons for cannabis irrigation. The below table breaks down Applicant's water usage monthly in gallons:



Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0	0	0	0	5160	10920	10920	10920	10920	5160	0	0

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

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

SITE DRAINAGE: There are no stream crossings and no watercourses located on Applicant's property. Applicant will implement drainage features and implement BMPs from the NCRWQCB's Order in consultation with TRC to improve site drainage on the property. TRC is currently in the process of developing a Water Resources Protection Plan (WRPP) for this site, and Applicant will update this application once that is complete.

EROSION CONTROL MEASURES: There is no evidence of erosion or concentrated storm water flows from the roads, pads, and cultivation areas. Applicant has addressed erosion concerns by re-surfacing and rocking roads leading to site. Applicant will consult with, and implement recommendations by, TRC to implement erosion control measures as necessary in graded areas and around cultivation sites. Such measures may include: re-seeding and revegetating bare or exposed soils, implementing silt fences and straw wattles, and constructing drainage features that disperse flows away from potential erosion points.

RUNOFF CONTROL MEASURES: There is no runoff from Applicant's cultivation activities onto fill slopes or unstable slopes. Storm water that runs into the cultivation area is broadly dispersed to well-vegetated areas that pose no threat to water quality. There are no signs of surface erosion outside the cultivation area. Applicant uses drip irrigation, raised beds, waters at agronomic rates, uses timers to avoid overwatering and maintains vegetation around cultivation areas and riparian areas to minimize runoff and sediment transportation to receiving waters. Applicant cultivates outdoors and there is no concentrated storm water runoff from the cultivation areas. Applicant will re-seed and re-vegetate any exposed soils around the cultivation areas and install straw bales and sediment control fencing on slopes or discharge points. Applicant will consult with, and implement recommendations from, TRC to improve runoff control measures on an as needed basis.

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

PROTECTION OF WATERSHED AND HABITAT: Applicant's cultivation areas are located outside of any streamside management areas (SMAs) and pose little threat to habitat or watershed. Riparian buffers are left intact. There is no generator use on the premises. As stated above, Applicant is in the process of developing an LSAA with CDFW in consultation with TRC, and will implement measures to protect and enhance the watershed and habitat specified in the LSAA.

CULTIVATION RELATED WASTE PROTOCOLS: Applicant is implementing measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in piles covered with plastic sheeting to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Applicant re-amends soils for reuse in subsequent cultivation cycles, resulting in zero soil waste on site.

All other associated waste will be placed in garbage cans with lids housed inside the garage or shed on concrete surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will determine frequency of disposal to permitted disposal sites that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

REFUSE DISPOSAL: The site generates little human refuse. However, Applicant does have wildlife proof garbage cans equipped with lids which are kept in secondary containment to prevent leaching and transport of foreign materials to receiving waters. Garbage cans are stored in the garage of the residence or in the shed area. Applicant will determine the frequency of pickup and delivery to disposal facilities that prevents rodent infestation and other nuisances on the property. This will likely be done on a weekly schedule during the growing season.

HUMAN WASTE: There is an on-site waste treatment system (OWTS) that services the parcel (Receipt No. 77358). The existing system is equipped with an 1800-gallon septic tank that has 4 leach lines with leach line depth of five feet and a length of fifty feet. The system is sufficient to service the proposed use.

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

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

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

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone

number of emergency medical care facilities. Change areas and decontamination rooms will be available off-site.

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

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

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

SOIL AMENDMENTS: Applicant does not store soil amendments on site. Instead, bulk amendments are purchased off-site and immediately mixed in to soil.

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

PETROLEUM PRODUCTS AND STORAGE: Applicant has solar power and is connected to grid power. There is a small emergency gasoline generator and a 5-gallon gasoline container stored in an enclosed area in the garage. All petroleum products will be stored under cover and off the ground and in a secondary containment tote. There are no large fuel storage tanks located on-site. Applicant will have one or more spill prevention cleanup kit on-site and easily accessible.

5. Description of Cultivation Activities (e.g. outdoor, indoor, mixed light)

CULTIVATION ACTIVITIES: Applicant is proposing to permit existing full-term outdoor cultivation site with cultivation area of 7,803 sq. ft. Applicant will be applying for a special permit for the above referenced activity. Applicant will irrigate cultivation from a surface water diversion pursuant to agreement with DFW. There will be no generator use in the cultivation activities. Applicant will be cultivating in raised beds to prevent excess irrigation runoff and promote soil moisture retention. Cover crops will be planted at the end of the year in beds to promote soil regeneration and to prevent nutrient leaching and erosion of the soil medium. Applicant does not anticipate hiring any employees at the site for cultivation activities. The cultivation activities will be conducted by the owner/operator.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) fire prevention policies; 3) maintenance of Material Safety Data Sheets (MSDS); 4) materials handling policies; 5) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

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

Applicant does not anticipate increased road activity for the cultivation activities listed above.

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

January, February, March, April

- Purchasing seeds and clones of desired strains
- Clean greenhouses and make necessary repairs
- Cover crops established from prior year
- Prepare greenhouses and beds for planting
- Till cover crops and amend soils
- Pot clones and starts at end of April
- Generator use: 0 hours

May

- Plant for flowering cycle
- Irrigating every third day
- Feeding every other watering
- Generator use: 0 hours

June

- Top dress
- Irrigating every third day
- Apply nutrient feed every other watering
- Generator use: 0 hours per day

July

- Irrigating every third day
- Apply nutrient feed every other watering
- Generator use: 0 hours

August

- Irrigating every third day
- Apply nutrient feed every other watering

September

- Irrigating every third day
- Apply nutrient feed every other watering
- Harvest plants at the end of the season
- Generator use: 0 hours per day

October, November, December

- Cover crop established
- Cleanup/Winterize cultivation site

PROCESSING PLAN AND ACTIVITIES

PLAN: Applicant will process on site in the metal building labeled “processing” as shown on the site plan. Applicant will not be hiring employees to process cultivated marijuana. Applicant’s owner and family will process marijuana grown on site. The building will be equipped with an ADA compliant restroom and handwashing facilities to support Applicant and family, as well as supplies for cleanliness and sanitation. Hand sanitizing liquid, gloves, potable water, and face masks shall be provided. Potable water will be supplied from spring source and stored in a 5,000-gallon water tank. The OWTS will service the processing facility

Processing facilities will be sanitized after every use using organic cleaning products to prevent mold growth and other contaminants. A daily cleaning routine for all work rooms and surface areas will be prepared and carried out the owner/operators. Owner/operators will be required to wash their hands prior to handling the product and after using the restroom. Sanitary equipment and products such as hand sanitizing liquids, paper towels, gloves, water and face masks will be provided on-site and kept in good and operable condition. Emergency contact numbers will be posted in working areas, including local poison control center.

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

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

The Applicant will use a moisture meter to determine dryness. If the moisture content is below 15%, mold development is prevented. Upon reaching sufficiently safe moisture content, flowers will be bucked, placed into sealed plastic bins, and moved into the curing room. The cure room is also thermostatically controlled to regulate temperature and humidity and to ensure an even, slow cure. Bins will be regularly opened and closed to enhance flavor and aroma and to ensure a fully dried product for packaging and storage in the cultivation facility.

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

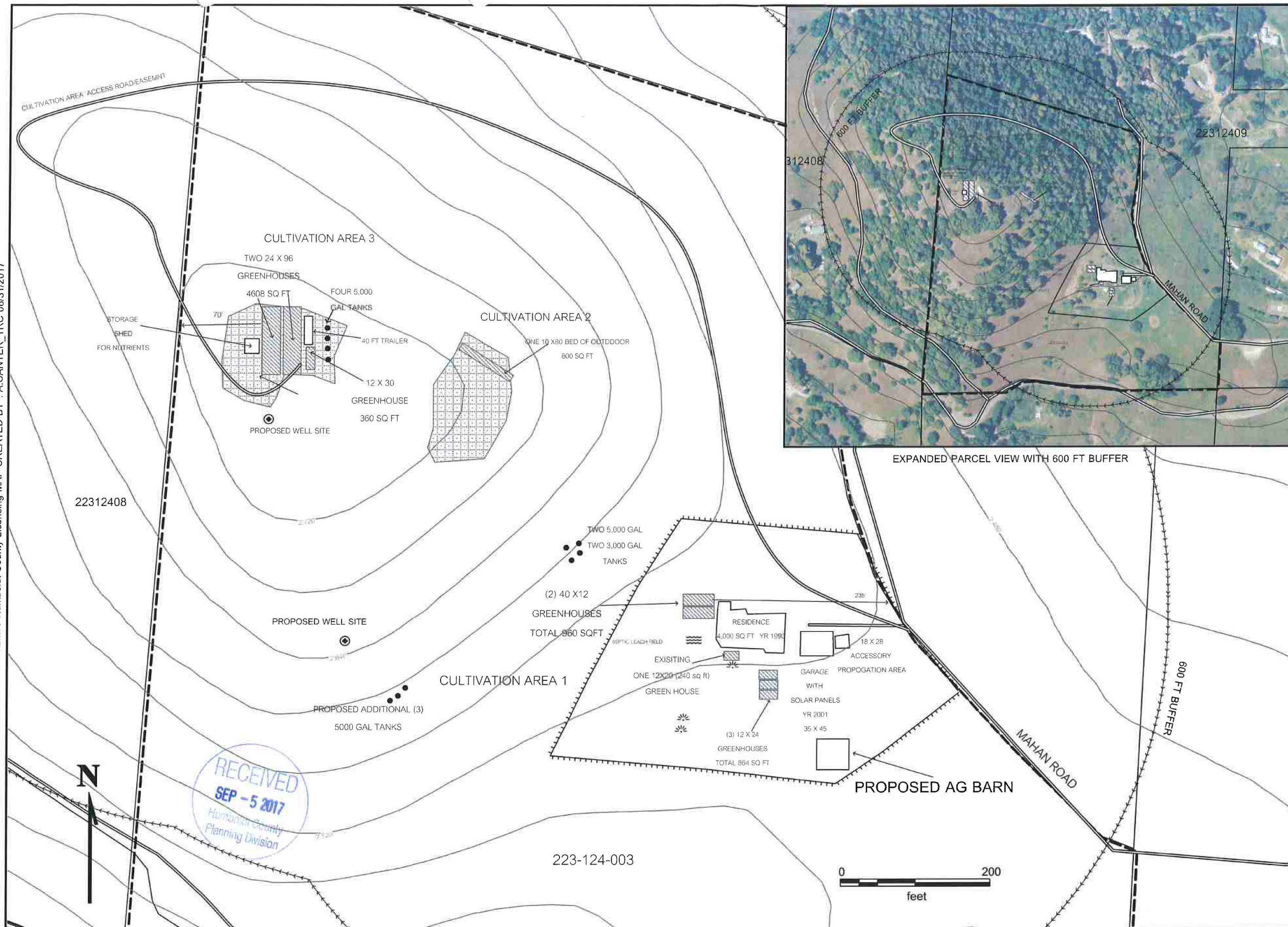
SECURITY FEATURES

Applicant has implemented security measures to safeguard the product and prevent nuisance from occurring on the property. Perimeter fencing around the cultivation areas have been established. Security gates are installed along all main roads.

Applicant intends to install security cameras around the exterior of the proposed processing facility, the cultivation sites, and at the entrances to the parcel.

To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon the implementation of those programs at the state and local level. Applicant will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis (2007).

S:\my documents\Chris\CULTIVATION PERMITTING\Carol Clark\06 Humboldt County Licensing MAP CREATED BY : A.CANTER_TRC 08/31/2017



- CULTIVATION AREA
- PROPERTY BOUNDARY
- FENCING
- 600 FT BUFFER
- WELL SITE
- STRUCTURE
- LEECH FIELD /SEPTIC
- SOLAR PANELS
- WATER STORAGE TANK
- GRADED FLAT

APPLICANT: TWO BIT RANCH
APN: 223-124-003
ZONING: U-UNCLASSIFIED
AL-FRAMEWORK
LOT SIZE: 30 ACRES
CULTIVATION AREA: 7,832 SQ FT OUTDOOR

DIRECTIONS TO SITE: DRIVING SOUTH ON
US HWY 101 TAKE EXIT 639 B TOWARDS
REDWAY
TURN RIGHT ONTO REDWOOD DR
TURN RIGHT ONTO ALDERPOINT ROAD
IN 5.1 MILES TURN LEFT ONTO MAHAN ROAD
FIRST DRIVEWAY ON YOUR LEFT.
ASSIGNED ADDRESS:
25 MAHAN RD GARBERVILLE, CA

THERE ARE NO SCHOOLS, BUS STOPS,
PLACES OF WORSHIP, OR PUBLIC PARKS
WITHIN 600 FT OF THE CULTIVATION AREA.
THERE IS A SINGLE EASEMENT TO ACCESS
THE CULTIVATION AREA THAT ENTERS THE
NEIGHBORS PROPERTY. THERE ARE NO
KNOWN TRIBAL CULTURAL RESOURCES ON
SITE OR OFF SITE RESIDENCES WITHIN
THREE HUNDRED FEET OF THE
CULTIVATION AREA.

SITE PLAN
PAGE 1 OF 1
8/31/2017





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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H502477

CERTIFICATE H100334

Right Holder: *Carole Clark*
PO Box 2340 Road
Redway, CA 95560

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 10/23/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
unnamed spring	Unnamed Spring	Dean Creek	South Fork Eel River	40.121115	-123.731740	Humboldt	223-124-01

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	223-124-003	7

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 11/19/2018.

The place of use is shown on the map filed on 11/19/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.23 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.23 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

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

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

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 11/19/2018 08:05:34

© 2018 - State Water Resources Control Board

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: Part A may be completed by the applicant

Applicant Name:

John CLARK

Case file #

APN:

12248

Planning & Building Department Case/File No.:

APN 223-124-003

Road Name:

Mahan Rd.

(complete a separate form for each road)

From Road (Cross street):

Atterpoint Rd

To Road (Cross street):

Parcel Driveway

Length of road segment:

2/10 (.2)

miles

Date Inspected:

Nov. 29, 2017

Road is maintained by:

☐ County

☒ Other

Road Association

(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.

John C. Clark

Signature

11-29-2017

Date

John C. CLARK

Name Printed

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.



165 South Fortuna Boulevard, Fortuna, CA 95540

707-725-1897 • fax 707-725-0972

trc@timberlandresource.com

August 22, 2018

Attention: Cannabis Services Division
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

Dear Isaac Hansen,

Re: APN 223-124-003
Application #12248

This letter is in response to Department Policy Statement No. 16-002, which states, *"If a workable alternative cultivation site exists on a parcel and its relocation will bring the cultivation into compliance with performance standards of the CMMLUO, this approach could meet the objectives of the CMMLUO provided it is the environmentally superior option."*

The pre-existing site proposed for relocation is designed at "CA B" on the Water Resource Protection Plan Map (attached). Timberland Resource Consultants originally made this recommendation late winter/early spring 2017 during a site visit associated with Water Board enrollment into TRC's Third Party. The conditions observed during the site visit was an outdoor garden consisting of narrow, hand constructed terraces located on a moderately-steep hillside (~40% slopes). The site was primarily accessed from a steep ATV trail as depicted on the Water Resource Protection Plan Map. A foot trail from the upper existing flat was also used for access.

The "re-location area" is a short distance west on the top of large knob at 2,752 feet in elevation. The knob is relatively flat and appeared to have been graded decades ago. The Applicant imported Bear Butte's quarry rock to create a level pad for the new site.

The relocation area is more environmentally desirable due to its slope steepness, which is essentially flat. The pre-existing site was steeper, which increases the likelihood for erosion. Water Board Order No. 2015-0023 acknowledges most of the potential water quality impacts from cannabis cultivation activities are associated with erosion and sediment delivery, among other factors. The Order requires that *"management practices must address erosion control"*. The movement of the pre-existing site to the flatter site is in response to language contained in the Order, which clearly requires minimization of controllable erosion.

Beginning July 2019, the Cultivator will no longer be covered under Water Board Order No. 2015-0023 and will be subject to State-wide Order WQ 2017-0023-DWQ. The Cannabis Policy provides criteria to evaluate the threat to water quality based on site conditions. The threat is risk-based based upon:

- a. Disturbed area
- b. Slope of disturbed area
- c. Proximity to a surface water body

The pre-existing outdoor cultivation site was located on slopes ~ 40% and therefore is characterized as a "Moderate Risk" to water quality. Movement of the pre-existing site to the flat knob will lower risk relative to the baseline. Increased slopes may be associated with decreased soil stability, especially when associated with vegetation removal. Storm water and excess irrigation water are more likely to runoff and discharge off-site from sloped surfaces, and in this case may reach downstream watercourses.

Prior to July 2019, the Cultivator wishes to obtain "Tier 1 Status" (Dischargers cultivate cannabis commercially outdoors and have a disturbed area equal to or greater than 2,000 square feet and less than 1 acre\43,560 square feet) with a "Low Risk" designation with regards to State-wide Order WQ 2017-0023-DWQ. Sites that pose a higher threat to water quality (e.g., disturb a larger area, located on a steeper slope, or located close to a surface water body) require a greater level of regulatory oversight, which translates to higher costs to achieve water quality protection. Minimizing risk by moving the site not only results in environmental superiority, but also saves time, money and resources from preparing additional technical reports.

Restoration: The pre-existing site has been decommissioned and restored as noted in the Water Resource Protection Plan dated 6-21-2017. The associated ATV trail was effectively decommissioned via installation of water-bars at a "High" Erosion Hazard Rating spacing, and grass-seeding and straw mulching per *General Erosion Control BMPs* contained the in the WRPP. See attached drone photo of the restored site.

The relocation of CA B occurred after January 1 2016 at the recommendation of Timberland Resource Consultants for the sole purpose of meeting the intent of Water Board Order No. 2015-0023.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

Summary of Standard Conditions Compliance (Cont.)

Cultivation Area A is located on a previously graded pad adjacent to the residence and a greenhouse downslope of the house with slopes of less than approximately 5% and adjoining natural hillslopes of less than approximately 30%. Surrounding the cultivation area is the residence and grassy hillsides with the nearest riparian area being a Class III watercourse to the southwest approximately 220' away. No drainage or erosion issues were observed within the cultivation area or the graded pad it is on.

Cultivation Area B is located on a naturally flat area on a ridge-top with slopes of less than approximately 5%. There is also a terrace to the southwest with slopes of less than approximately 5% with adjoining natural hillslopes of less than approximately 15%. Surrounding the cultivation area is timberland and grassland with no nearby watercourses. No drainage or erosion issues were observed within the cultivation area or the landing it is on.

The decommissioned cultivation area is located on a terraced hillside with slopes of approximately 40%. The potted plants have been removed and cultivation soils contoured into the terraces to promote vegetative growth. No apparent potential of delivery of runoff to surface waters is possible with this decommissioned cultivation area.

2. Stream Crossing Maintenance

There are no stream crossings located on the property.

3. Riparian and Wetland Protection and Management

Assessment of the property concluded that cultivation areas and associated facilities are not located or occurring within 100' of any Class I or II watercourse or within 50' of any Class III watercourse or wetland, buffers maintain natural slopes with native vegetation, and buffers are of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances. No cultivation is occurring within the preferred minimum distance of 200 feet from any watercourse or waterbody.

4. Spoils Management

Currently, no spoils are stored or placed in or where they can enter any surface water. Any/all spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters. Any/all spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas have not been sidecast in any location where they can enter or be transported to surface waters.

If any further spoiling material is required, such as from stream crossing installation or other grading, the discharger shall follow the BMPs in Appendix B of the Order, under Spoil Management. Spoil sites shall be located outside any standard width riparian area (50' for Class III and 100' for Class III) and shall be stabilized and contained as per the BMPs.

5. Water Storage and Use

All water on the property is derived from a surface water diversion located off of the property. The surface water diversion meets and exceed the required water demands for agricultural use and domestic use.

Water Resource Protection Plan Site Map [WDID: 1B16858CHUM]

Property Boundary



Cultivation Area

Decommissioned Cultivation Area

Watercourses

- Class III
- Class II

Roads

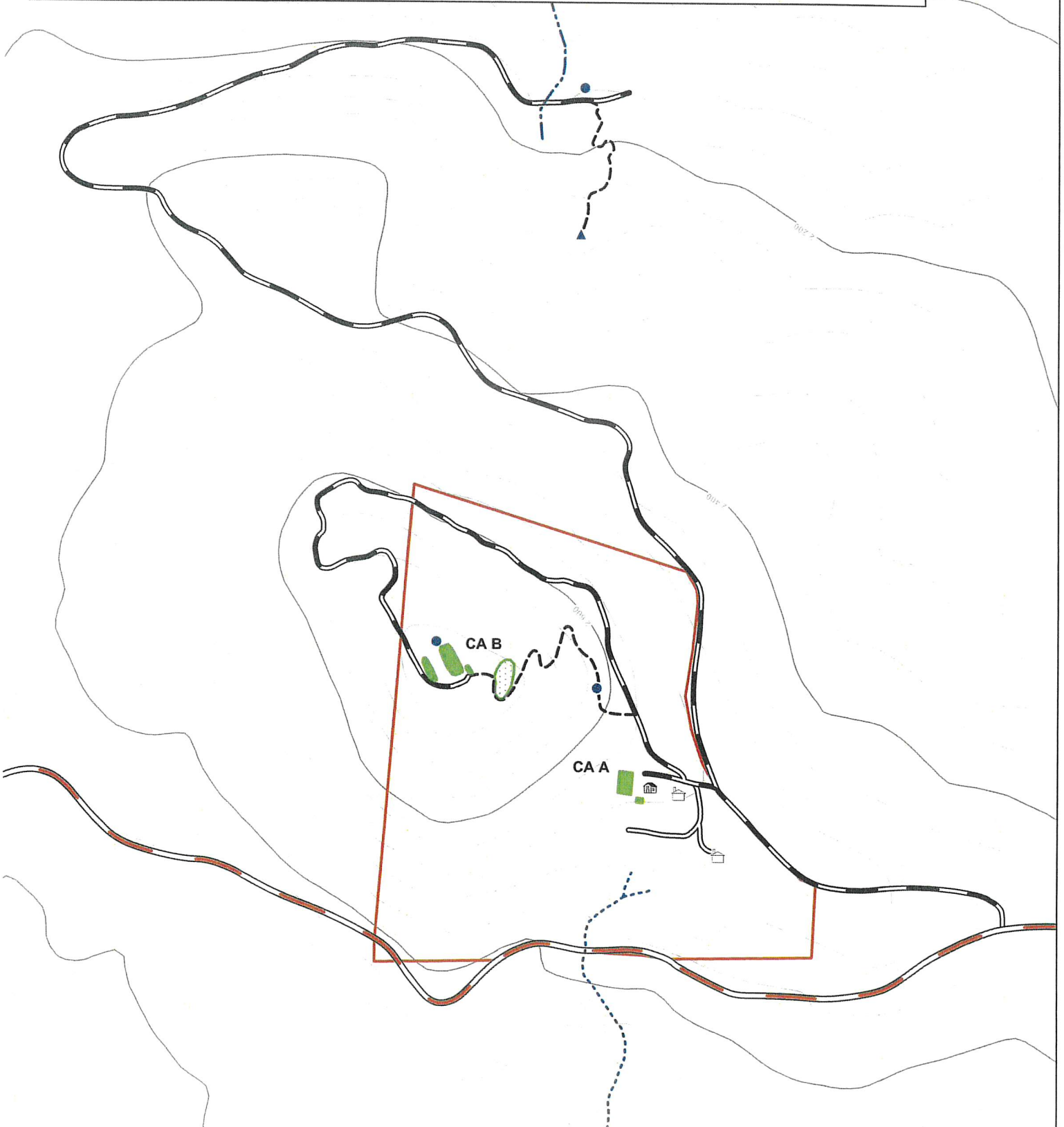
- County
- Permanent
- Seasonal
- Trail



Residence
Shop
Water tanks
Point of Diversion



40' contour intervals
Map Scale 1" = 400'
Map Date 2/9/2018





Historic Outdoor Cannabis
Cultivation Site that was
Relocated and Restored

Attention: Meghan Ryan
Cannabis Services Division
Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

March 12, 2019

Re: APN 223-124-003
Application #12248

Dear Ms. Ryan,

I am attaching a revised site plan for the above referenced property, APN 223-124-003, Application 12248, with a request for the relocation of two of the cultivation sites.

The first is the site indicated as Cultivation Area #3, 800 Square Feet on the site map. This is to be relocated on the east side of the existing flat at the top of the hill. The move was recommended by Chris Carroll of Timberland Resource Consultants and explained in a previously submitted letter dated August 22, 2018 and attached for your reference. The proposed relocation will be a 50'x16' greenhouse, (800 sq.ft.).

The second proposed relocation is of three 12'x24' greenhouses from a pre-existing cultivation area south of the residence. This area is very windy, causing damage to structures and requiring more water than other areas due to increased evaporation. At this time the greenhouses have been removed and applicants would like to rebuild them in a more environmentally sustainable area.

In order to be compliant with the terms of our small irrigation use certificate, H100334, we plan to install more water storage tanks this season and to reconfigure our water distribution system to separate domestic water from cannabis irrigation water. This will allow us to forgo pumping for irrigation during the summer months, and to monitor our irrigation use. Moving these structures to the pre-existing level flat west of the residence would save resources because all of the greenhouses would be close together and could be more efficiently plumbed using less plastic pipe. In addition, the current site of the 3 12'x24' greenhouses is on an approximately 10 degree slope, while the proposed area is level. It is part of a long present flat that I assume was constructed when the house was built. It is more sheltered from wind by surrounding hills.

The proposed relocation to a more level area in close proximity to the existing greenhouses would minimize erosion and run-off, and save water, resources and man hours.

Please let me know if these changes are approved. I look forward to hearing from you.

Sincerely,



Carole Willard-Clark
Owner/Applicant

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Approved	On file with Planning – in Accela
CAL FIRE	✓	No comments	On file with Planning – in Accela
Garberville Fire Protection District		No response	
CA Department of Fish and Wildlife		No response	Attached - Email request for comments sent on 07/20/2020
NWIC	✓	Further study recommended	On file with Planning
Bear River Band of Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
Agricultural Commissioner		No response	
NCUAQMD		No response	
District Attorney		No response	
RWQCB		No response	
SWRCB – Water Resources		No response	Attached
Sheriff's Office	✓	Approved	On file with Planning – in Accela
Southern Humboldt Joint School District		No response	



HUMBOLDT COUNTY BUILDING INSPECTION DIVISION

Inspection requests must be received by 4:00 p.m. the business day prior to the day you would like the inspection performed. You may call the recording line for inspection requests at 707-445-7244.

INSPECTION	DATE	INITIAL	FIELD REPORT	INSPECTION	DATE	INITIAL	FIELD REPORT
Setbacks				Rough-out Electric			
Site Conditions				Permanent Service			
Footings				Temporary Service			
Forms				Permanent Pole			
Blocks				Temporary Pole			
*				*			
Foundation Framing				Underfloor Plumbing			
Shear Nail				Top Out			
Holddowns				Line Test			
Framing				Heating System			
Fireplace/woodstove				Gas Service			
Exterior				Flues			
Insulation				Sprinkler System			
Drywall				Manufactured Home Installation			
Windows				Accessibility			

*Record inspections not listed elsewhere

Septic System final required prior to building final inspection (445-6215)	YES () NO ()
Encroachment final required prior to building final inspection (445-7205)	YES () NO ()
Community Service District final required prior to building final inspection	YES () NO ()
SRA final inspection required prior to building final inspection	YES () NO ()
Fire Department final required prior to building final inspection	YES () NO ()
Second flood elevation certificate required prior to final inspection	YES () NO ()
Special conditions apply	YES () NO ()

BUILDING FINAL				ELECTRICAL FINAL			
MECHANICAL FINAL				PLUMBING FINAL			

Project description: Permit AOB storage building /
W/ no plum

ADDRESS: 25 Mahan Rd
APN: 223124-03
OWNER: Clark

Appeals: When you and the Building Division cannot agree on an alternate method of construction, alternate materials or an interpretation of the code, there is an Appeals Board to hear and pass on these issues. Contact the Building Division for full details.
Address: 3015 H Street, Eureka, CA 95501 Telephone: 707-445-7245

Return of Plans: You may submit a written request for the return of your approved construction plans (residential and residential accessory structures only) 180 days after completion of your final inspection. The plans will be discarded 360 days after the date of the final inspection.

Building Permit Number

45124



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

839-5401

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


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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Isaac Hansen, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 01/07/2019

RE:

Applicant Name	TWO BIT RANCH LLC
APN	223-124-003
APPS#	PLN-12248-SP

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report, dated 11/29/2017, with Part A –Box 1 checked, certifying that the road is developed to Category 4 road standards.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # PLN-12248

☒ **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 /

From: [Ryan, Meghan](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Subject: APPS #12248 - Two Bit Ranch, LLC - APN 223-124-003: Hearing Date: August 13, 2020
Date: Monday, July 20, 2020 1:08:13 PM
Attachments: [image001.png](#)

Hi Scott – I hope you had a great weekend. I am working on APPS #12248, Two Bit Ranch, LLC, and I do not see CDFW comments in Accela. I wanted to check in with you to see if CDFW has any comments on this project.

Thanks!
Meghan

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MEGHAN RYAN
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