



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: September 17, 2020

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Blocksburg Family Farms, LLC. Conditional Use Permit & Special Permit**
Record No.: PLN-10813-CUP
Assessor's Parcel Number (APN) 217-401-002
850 Sylvan Glade Road, Blocksburg, CA 95514

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Please contact Keenan Hilton, Planner, at 707-268-3722 or by email at KHilton@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 17, 2020	Conditional Use Permit & Special Permit	Keenan Hilton

Project Description Conditional Use Permit for 11,650 square feet (sf) of outdoor commercial cannabis cultivation with approximately 400 sf ancillary nursery space, and a Special Permit for agricultural diversion and restoration within the Streamside Management Area. The applicant estimates water demand to total approximately 102,500 gallons per year. Irrigation water is provided by one 215,000-gallon rainwater catchment pond, one 260,000-gallon on-stream pond and one spring diversion. Between the catchment pond, one 4,000-gallon tanks and seven 2,500-gallon tanks, water storage totals 234,000 gallons. There is an existing residence onsite served by a septic system. Drying and curing would occur onsite with further processing occurring at a licensed third-party facility. The operation would require a maximum of 6 employees. Electricity would be provided by a proposed solar array with generators retained as a backup power source.

Project Location: The project site is located in the Blocksburg area, on both sides of Sylvan Glade Road, approximately 0.86 miles west from the intersection of Browning Road and Sylvan Glade Road, on the property known as 850 Sylvan Glade Road.

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

Present Zoning: Forestry Recreation (FR), Special Building Site (B-5(40))

Record No.: PLN-10813-CUP

Assessor Parcel Numbers: 217-401-002

Applicant

Blocksburg Family Farms, LLC
29408 Alderpoint Road
Blocksburg, CA 95514

Owner

Dakota Ringo
PO Box 238
Blocksburg, CA 95514

Agent

Green Road Consulting, Inc.
Kaylie Saxon
1650 Central Ave. Suite C
McKinleyville, CA 95519

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

BLOCKSBURG FAMILY FARMS, LLC
Record No PLN-10813-CUP
Assessor's Parcel Numbers 217-401-002

Recommended Commission 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 Commission 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 Conditional Use Permit and Special Permit based on evidence in the staff report and adopt the Resolution approving the proposed Blocksburg Family Farms, LLC project subject to the recommended conditions.

Executive Summary: The proposed project is a Conditional Use Permit (CUP) to continue operating an existing 11,650 square feet (sf) of outdoor commercial cannabis cultivation and an approximately 400-sf ancillary nursery located on Assessor's Parcel Number (APN) 217-401-002, which is approximately 48 acres in size. The site is currently developed with a residential dwelling unit. The cultivation areas including greenhouses and storage, water storage ponds and eight hard-sided tanks. Cultivation activities will occur in several outdoor garden areas totaling 9,350 sf and within four light-deprivation greenhouses totaling 2,300 sf. The proposed project also includes a Special Permit for continued use of two agricultural diversions and restoration activities within the Streamside Management Area (SMA).

The applicant has provided materials in support of continuing with 11,650 sf of outdoor cultivation. Several pre-existing gardens occurred within the county SMA and are proposed for relocation. The Site Plan depicts three discrete garden areas proposed for retirement and restoration. Analysis of aerial imagery shows that there was another pre-2016 garden in the middle of the parcel which was included to determine baseline cultivation square footage. Conditions of approval require that the site plan be updated to show this historic cultivation area. Conditions of approval require that the recommendations included in the conversion mitigation report, including the replanting of trees in this area, be completed. Ongoing conditions of approval require that all activities associated with the restoration and the agricultural diversion result in no disturbance to living trees or snags in the SMA.

Processing is to be conducted off-site at a licensed third-party processor not yet identified and the applicant will abide by the state mandated track-and-trace program. There would be a maximum of six employees during peak activities. The light-deprivation greenhouse cultivation could result in a maximum of two harvests per year while the full terms outdoor gardens would result in one harvest per year. Currently, one 2,000 kW gasoline-fueled generator is used to support cultivation activities. The applicant proposes to transition to a solar array as the primary electricity source, retaining generators as a backup source. Conditions of approval require that noise levels stay at or below 60 dB at the property line. A septic system services the single residential structure on-site. Conditions of approval require that the applicant provide evidence of a regularly serviced portable toilet on site unless and until the septic system is permitted with confirmation that it has capacity to serve the six employees during peak activities.

Water usage is estimated to be 102,500 gallons per year. Irrigation water is provided by one 215,000-gallon rainwater catchment pond, one 260,000-gallon on-stream pond and one spring diversion. Between the catchment pond, one 4,000-gallon tanks and seven 2,500-gallon tanks,

water storage totals 234,000 gallons. The applicant has signed a final Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW). The LSAA requires the improvement of a spillway, and limits water diversion to no more than three gallons/minute. It also requires that the permittee shall pass 90% of the flow, divert a maximum of 200 gallons/day and forbear from diversion between May 15 and October 31 each year. Compliance with CDFW regulation is included in the conditions of approval.

There are two unnamed Class II watercourses within the parcel and one Class III drainage adjacent to the parcel. The applicant contracted Natural Resources Management (NRM) to prepare a Water Resources Protection Plan (WRPP) in accordance with enrollment as a Tier II discharger with the California Regional Water Quality Control Board Order 2015-0023. The WRPP identified areas and timelines for the implementation of watershed protection measures in accordance with the 12 standard conditions. Ten corrective actions were identified as necessary to meet the 12 standard conditions and made a condition of permit approval. These measures include making road improvements, monitoring of water usage, upgrades to pond berms and overflows, and the permitting of the onsite wastewater treatment system. Redesign and rocking of the pond spill-ways and checking of the berms for stability is proposed by the applicant in an Erosion Control Plan, dated 03.07.2019. No cultivation activities are to occur within 100 feet of the nearest watercourse. Completion of the listed items is included in the conditions of approval. Conditions of approval also require that the applicant submit a Notice of Applicability from the State Water Resource Control Board (SWRCB) and submit a Site Management Plan (SMP) in accordance with that agency's general order.

A *Conversion Mitigation Report* for Humboldt APN #217-401-002 was prepared by NRM, dated 03.18.2019. The report describes two unpermitted less than 3-acre timberland conversion areas on the parcel. Conversion area A is a 0.46-acre area cleared in 2012 for cannabis cultivation until its discontinuation in 2016 due to the site's proximity to the class II watercourse. Conversion area B is a 0.30-acre area cleared for fire-safe house protection in 2018. No additional clearing or construction is currently proposed. Proposed mitigation measures include the improvement of roadside ditches, installation of waterbars, improving drainage and runoff from cultivation areas, and replanting Conversion A with native trees. Conformance with the mitigation recommendations provided in the report are made a condition of approval. CalFire provided standard comments regarding Fire Safe, Resource Management, and Cannabis Cultivation and specific comments recommending compliance with the Emergency Turnarounds, Signing and Building Numbers, Fuel modification standards, and designated water storage for fire. These have been made a condition of approval.

CDFW initially provided comments on the project on June 13, 2017. CDFW suggested that one pond might be hydrologically connected to surface water flows and suggested that the pre-existing cultivation was no more than 10,000 sf. On April 23, 2020 planning staff reached out the CDFW (attached) to inform them that the pond had been determined to be onstream, that the applicant had reduced the application to pursue 11,650 sf and that the standard measures for protecting wildlife would be included in the conditions of approval. CDFW responded with a copy of the final LSAA, providing no further comments.

The Applicant has provided a Road Evaluation Report for Sylvan Glade Rd, Homestead Rd (Browning Rd in County GIS) and Sunset Ridge Rd, stating the roads offer the functional capacity of category 4. The report included photos demonstrating that the roads, as constructed, offer adequate space for safe two-way travel with inter-visible turns and pull outs near pinch points.

A Cultural Resource Survey was completed by ALTA Archaeological Consulting. No Cultural Resources were discovered. Consistent with the recommendations of the Bear River Band of the Rohnerville Rancheria, ongoing conditions of approval require that the applicant follow the

recommendations of the archaeologist's report that the project incorporate inadvertent discovery protocols.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in 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. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believe that the applicant has submitted evidence in support of making all of the required findings for approving the CUP & SP.

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

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number PLN-10813-CUP
Assessor Parcel Numbers: 217-401-002**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Blocksburg Family Farms, LLC Conditional Use Permit request.

WHEREAS, Blocksburg Family Farms, LLC submitted an application for a Conditional Use Permit for an existing 11,650 square foot outdoor cannabis cultivation located on APN 217-401-002; and

WHEREAS, Blocksburg Family Farms, LLC submitted an application for a Special Permit for an agricultural diversion and restoration activities to occur in the Streamside Management Area of several creeks located on APN 217-401-002; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Record No.: PLN-10813-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on September 17, 2020.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes the findings for approval in Attachment 2 of the Planning Commission staff report for Record Number: PLN-10813-CUP based on the submitted substantial evidence; and
3. Conditional Use Permit and Special Permit Record Number: PLN-10813-CUP is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-10813-CUP for 11,650 square feet of existing cannabis cultivation and activity within the SMA.

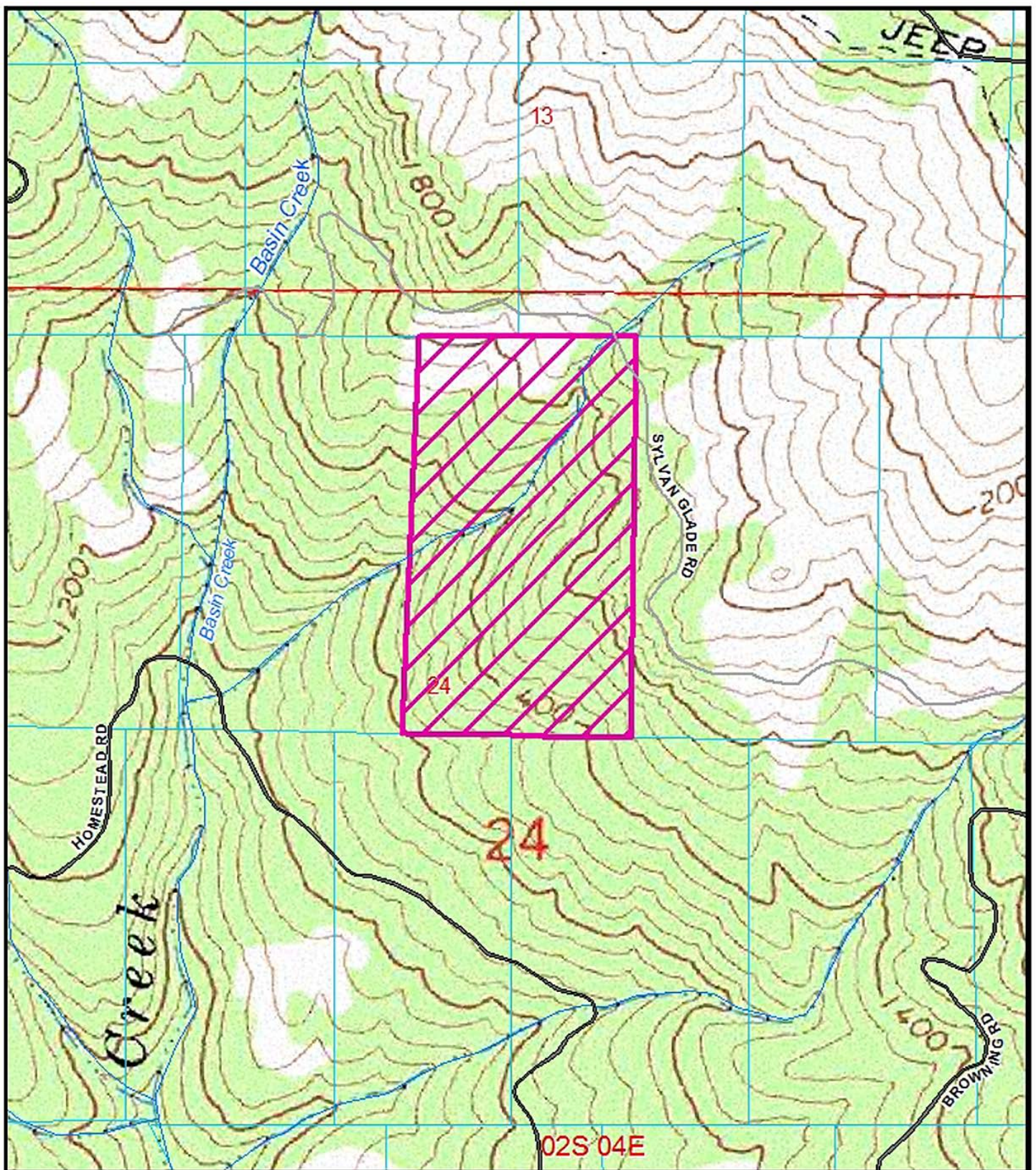
Adopted after review and consideration of all the evidence on September 17, 2020.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carries

I, John Ford, Secretary to the Planning Commission 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 Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department



**TOPO MAP
PROPOSED BLOCKSBURG FAMILY FARMS LLC
BLOCKSBURG AREA
CUP-16-070**

Project Area = 

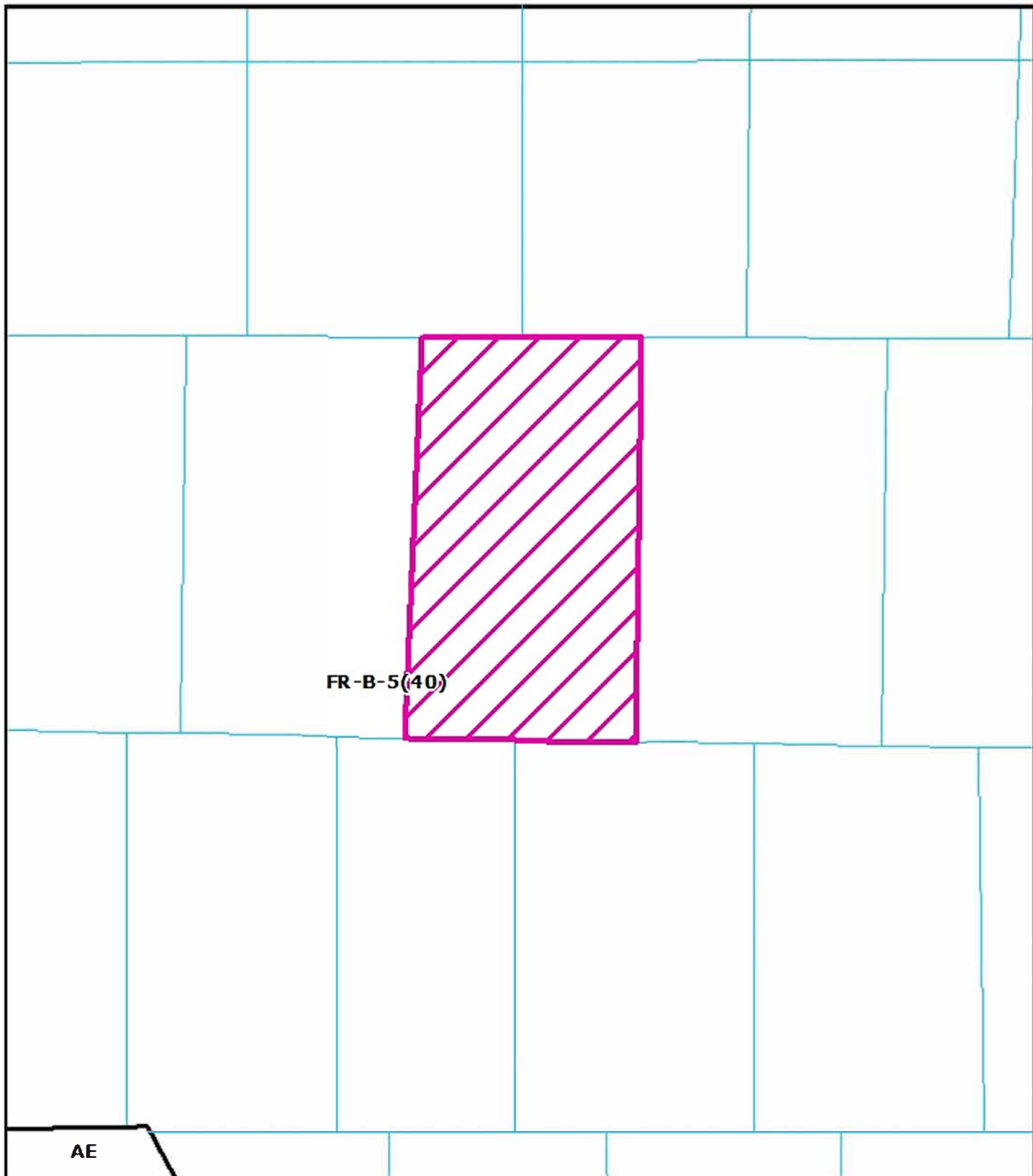
APN: 217-401-002

T02S R04E S24 HB&M (BLOCKSBURG)

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



0 250 500 750
Feet



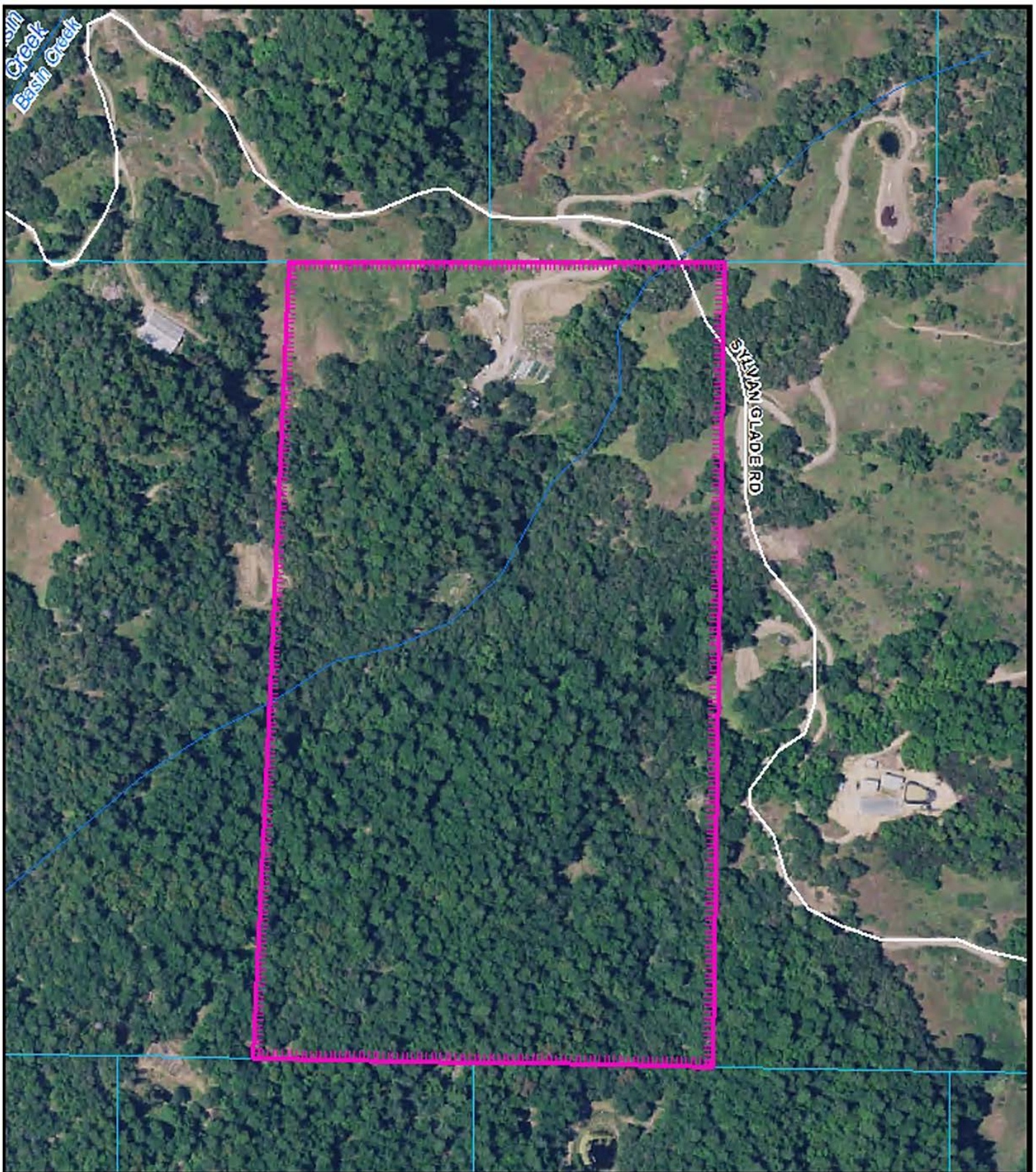
ZONING MAP
PROPOSED BLOCKSBURG FAMILY FARMS LLC
BLOCKSBURG AREA
CUP-16-070
APN: 217-401-002
T02S R04E S24 HB&M (BLOCKSBURG)

Project Area = 

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



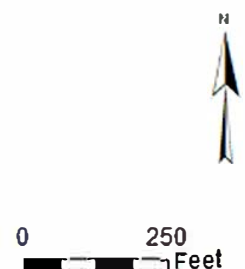
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AERIAL MAP
PROPOSED BLOCKSBURG FAMILY FARMS LLC
BLOCKSBURG AREA
CUP-16-070
APN: 217-401-002
T02S R04E S24 HB&M (BLOCKSBURG)

Project Area = 

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



6/12/2020 - X:_Projects\in\hubb\16\6\CAD\CULTIVATION MAPS\IN-STATE-401-002.dwg - 10:24 AM - GRC

NEXT GEN FARMS INC.
APN: 217-401-002

VICINITY MAP
NOT TO SCALE



IMAGE SOURCE: ESRI 2018

PROJECT DIRECTIONS
FROM: EUREKA, CA

- TAKE US-101 SOUTH (23.9 MI)
- TAKE EXIT 685 FOR CA-36 E (0.3 MI)
- TURN LEFT ONTO CA-36 E (23.9 MI)
- TURN RIGHT ONTO ALDERPOINT RD (17.8 MI)
- TURN RIGHT TOWARD HOMESTEAD RD (0.3 MI)
- TURN LEFT ONTO HOMESTEAD RD (1.4 MI)
- HOMESTEAD RD TURNS SLIGHTLY LEFT AND BECOMES
- SUNSET RIDGE RD (0.2 MI)

TRAVEL TIME
APPROXIMATELY: 64.5 MI, 1H 37 MIN

SHEET INDEX
CP-COVER PAGE
C1-PARCEL OVERVIEW

PROJECT INFORMATION
LAT/LONG: 40.2809, -123.6773
APN: 217-401-002
APPLICANT: NEXT GEN FARMS INC
PARCEL SIZE: ±48 ACRES
ZONING: FR [GENUSE: AL40(FRWK)]
APPLICATION TYPE: -

COASTAL ZONE: N
100 YEAR FLOOD: N

AGENT:
KAYLIE SAXON
GREEN ROAD CONSULTING INC
1650 CENTRAL AVE. SUITE C
MCKINLEYVILLE, CA 95519
707-630-5041

AERIAL MAP

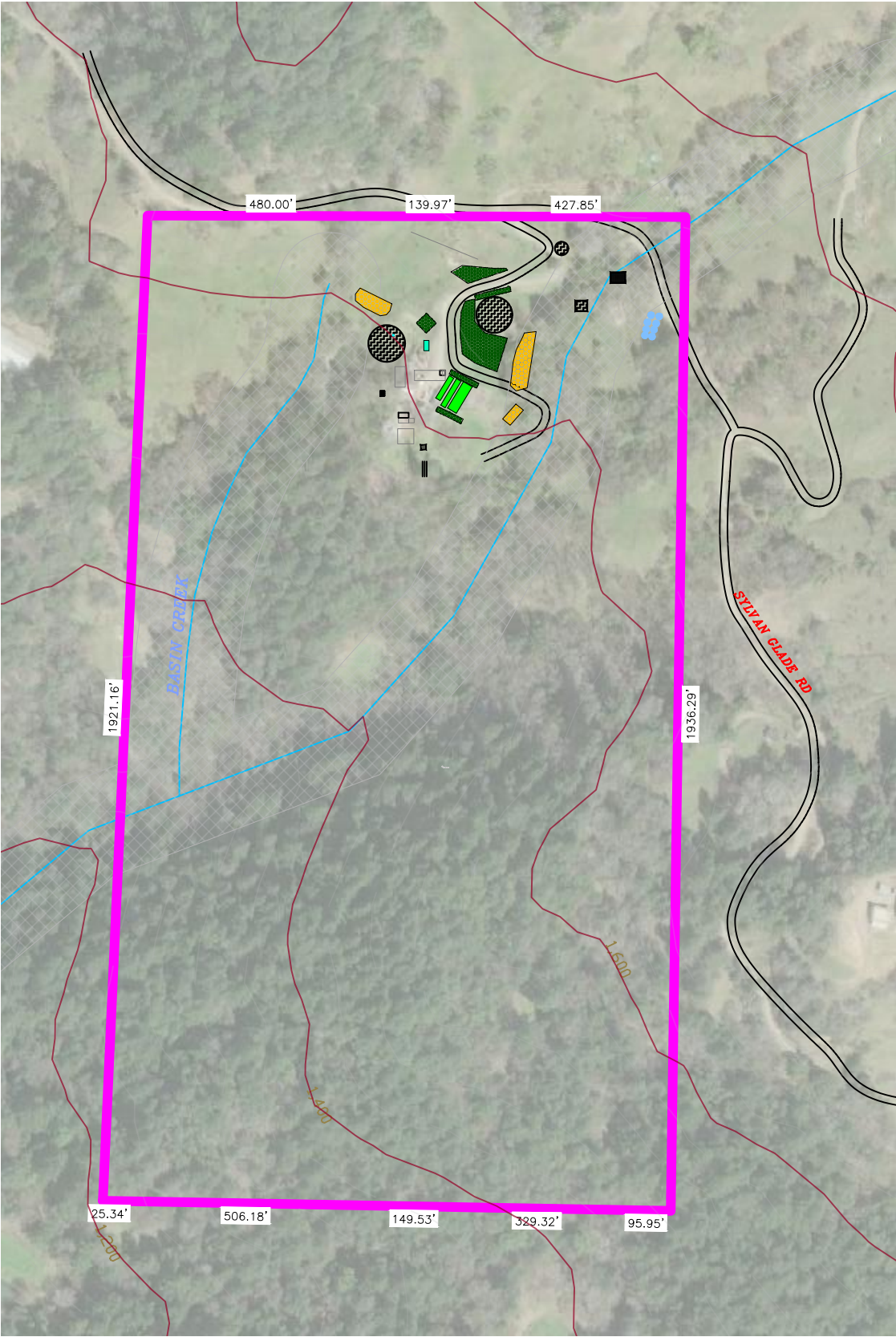
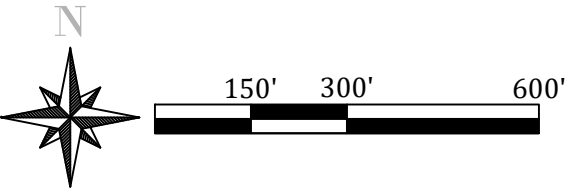


IMAGE SOURCE: BING 2018



PROPERTY LINES AND BUILDING LOCATIONS
ARE APPROXIMATE AND BASED ON AERIAL
MAPS AND GPS DATA TAKEN IN THE FIELD.



PROJECT INFORMATION

APPLICANT: CAPRICE NUNEZ
ADDRESS: APN: 217-401-002
SHEET INFO: COVER PAGE

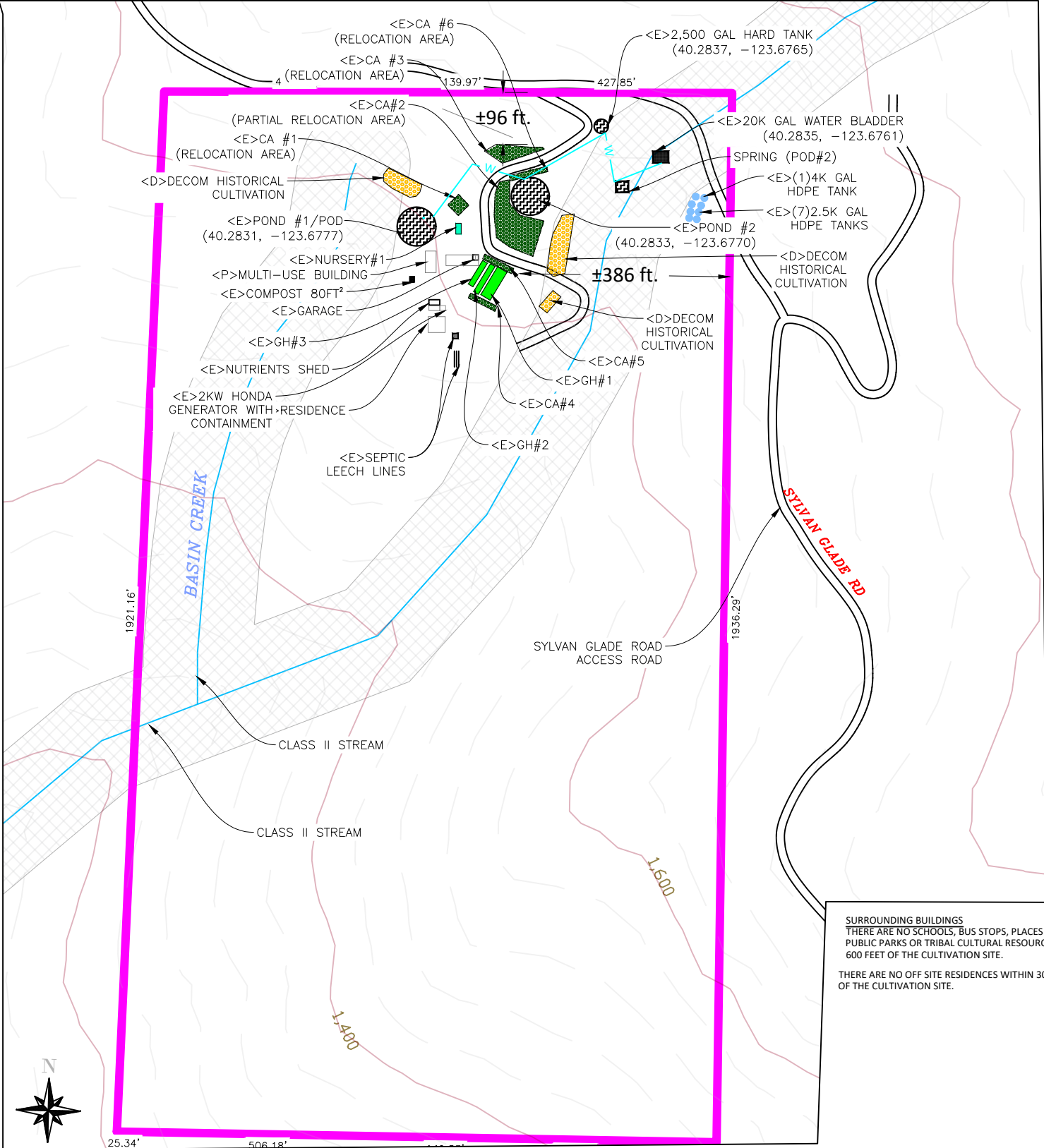
REVISIONS		
NO.	NOTES	DATE

DATE: 6/12/20
DRAFTER: DDV
SCALE: AS SHOWN

SHEET
CP

PARCEL OVERVIEW

APN: 217-401-002



SURROUNDING BUILDINGS
THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP,
PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITH IN
600 FEET OF THE CULTIVATION SITE.

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET
OF THE CULTIVATION SITE.

CULTIVATION INFORMATION

LIGHT DEPRAVATION (OUTDOOR) CULTIVATION AREA					*PLEASE NOTE
GH	LENGTH	WIDTH	SQ FT		PROCESSING/PACKAGING AND LABELING TO OCCUR OFFSITE BY A LICENSED THIRD PARTY PROCESSOR
1	60	X	20	1,200	
2	60	X	10	600	
3	50	X	10	500	
TOTAL LIGHT DEPRAVATION (OUTDOOR) CULTIVATION				2,300 SQ FT	

OUTDOOR CULTIVATION AREA

<u>CA</u>	<u>SQ FT</u>
1	750
2	5,500
3	1,250
4	550
5	600
6	700

TOTAL OUTDOOR CULTIVATION=11,650FT²

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
NUTRIENTS SHED	NUTRIENTS & PESTICIDE STORAGE/HARVEST STORAGE AREA	20'x20'	2008
GARAGE (PROPOSED 20'x60' EXPANSION)	PACKAGING/BUSINESS RECORD STORAGE/HARVEST STORAGE	10.5'x9.5'	2013
SHED	STORAGE/DRYING	8'x12'	2009

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
RESIDENCE	PLACE OF LIVING		2008

WATER SOURCE

TYPE	LAT/LONG
SPRING ON CLASS II STREAM	40.2834, -123.6764
POND#1	40.2834, -123.6777

POWER SOURCE

2KW HONDA GENERATOR

WATER STORAGE AND USE

TYPE	DATE OF INSTALLATION	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	2014	1	2,500	2,500
POND#1	UNKNOWN	1	260,000	260,000
POND#2	UNKNOWN	1	215,000	215,000
BLADDER	2014	1	20,000	20,000
TOTAL AMOUNT OF WATER STORAGE=				497,500 GALLONS



PROJECT INFORMATION

APPLICANT: CAPRICE NUNEZ
ADDRESS: APN: 217-401-002
SHEET INFO: PARCEL OVERVIEW

REVISIONS		
NO.	NOTES	DATE

DATE: 6/12/20
DRAFTER: DDV
SCALE: AS SHOWN

SHEET
C1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND 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 #3–20. 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 submit a revised site plan with the following changes:
 - a. Identify western pond ("lower pond") as onstream
 - b. Correct water storage figures
 - c. Identify 2,500-gallon tank designated for fire response
 - d. Identify southern cleared area as pre-existing cultivation area to be restored
 - e. Include dimensions of ancillary nursery
 - f. Show parking area
 - g. Show emergency vehicle turnaround
3. Concurrent with submittal of the compliance agreement, 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. Concurrent with submittal of the compliance agreement 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 provide evidence that they have completed all recommended corrective actions listed in the Water Resource Protection Plan, including:
 - a. Upgrade overflow of both ponds
 - b. Removing and restoring garden sites occurring within the SMA
 - c. Adding culverts and rocking the driveway
 - d. Installing water bar along logging road
 - e. Permitting the septic system
 - f. Remove and properly dispose of soil pile
 - g. Remove tanks and bladder from SMA
5. The applicant shall submit a copy of the Notice of Applicability from the SWRCB
6. The applicant shall submit a copy of the Site Management Plan prepared for the site
7. The applicant shall provide evidence that they have implemented all corrective actions detailed within the *Conversion Mitigation Report*, including:
 - a. Replant converted area within the SMA at the pre-2016

- b. Improve several ditches between switchbacks on road to address surface flow along rocky road surface
 - c. Construct catchment to prevent sediment delivery to stream
 - d. Finish construction of French drain along break-in-slope
 - e. Armor below Ditch Relief Culvert
 - f. Plant native trees and shrubs in unstable area
 - g. Treat slash
 - h. Install waterbar across quad trail
 - i. Remove cultivation related materials from riparian zone
- 8. The applicant shall provide evidence that they have implemented all recommended actions detailed in the *Cannabis Relocation* reports prepared by NRM, including:
 - a. Remove all cultivation materials from retired cultivation sites, including at the pre-existing southern site
 - b. Revegetate the areas with native grasses and shrubs
- 9. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including the eastern rainwater catchment pond ("upper pond"), the multi-use building, the nutrients shed, the proposed garage expansion, three cultivation greenhouses and the nursery greenhouse (if greater than 120 sf). The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A copy of the finalized inspection record card or equivalent shall satisfy this condition.
- 10. The applicant shall provide evidence that they have improved the ponds in accordance with the Grading, Drainage & Erosion Control Plan prepared by Omsberg and Preston.
- 11. The applicant shall provide evidence that they have installed appropriate wildlife exit ramps from the two ponds.
- 12. The applicant shall submit evidence that they have completed all recommended actions listed in the final LSAA, including
 - a. Install engineered rock spillway in accordance with the specifications provided in the Notification.
- 13. The applicant shall improve the intersection of Sunset Ridge Road to Bell Springs Road paving the private road to a minimum of 20 feet in width and 50 feet in length where it intersects the county road. The road shall also be brought into compliance with the Sight Visibility Ordinance. A copy of the encroachment permit AND/OR photos of the completed work would satisfy this condition.
- 14. Unless and until the applicant permits the onsite wastewater treatment system, the applicant shall submit receipts of service for continual use of portable toilets for cultivation staff to DEH and the Planning Department.
- 15. The Applicant shall provide photos of the installed water meter(s).
- 16. 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.
- 17. The applicant shall provide evidence that the 20,000-gallon water bladder is no longer in use on the site

18. The applicant shall provide photographic evidence that roads and buildings have identifying signs for effective emergency response consistent with County Fire Safe regulations.
19. The applicant shall submit a Water Right for the surface water diversions.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. The applicant shall retain snags, live trees and overstory canopy, and control erosion (as per Standard BR-S9-Erosion Control) when completing any work related to the diversion and restoration in the Streamside Management Area. Felled snags shall be left on the ground if consistent with fire protection regulations and the required treatment of slash and 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. The applicant shall implement the measure described in the standard CDFW Bullfrog Management Plan.
6. The access road shall be maintained to provide safe ingress and egress for the anticipated traffic and emergency response vehicles
7. The noise from the generator, fans, dehumidifiers, pumps or any other project-related noise source shall not exceed 60 dB when measured at the property line.
8. The applicant shall contain lights in the nursery to meet the International Dark Sky Standard Lighting Zone 1 and 0.
9. The applicant shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting.
10. The applicant shall leave wildlife unharmed. If any wildlife is encountered during the course of the operation of the permit, the applicant shall not disturb the wildlife and shall allow the wildlife to leave the worksite unharmed.
11. All refuse shall be contained in wildlife-proof storage containers at all times and shall be disposed of at an authorized waste management facility.

12. A copy of the form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
13. Logs of monthly water use shall be kept onsite and made available during annual inspection.
14. 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.
15. During annual inspection, the applicant shall demonstrate compliance with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials.
16. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
17. 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.
18. 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).
19. 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.
20. Comply with the terms of any applicable final Streambed Alteration Permit obtained from the California Department of Fish & Wildlife.
21. Comply with the terms of any less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CALFIRE) and comply with the mitigation requirements of the ongoing Registered Professional Forester's proposed mitigation report.
22. 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).

23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
24. Pay all applicable application and annual inspection fees.
25. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
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 Medical 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 MCRSA, 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.
 - 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;
 - (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.
 - IX. On-site housing, if any.
35. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittee(s) and the permitted site have been found to comply with all conditions of approval.
36. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus

three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the 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 per Ongoing Condition of Approval #22 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
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. Permittee further acknowledges and declares that:
40. Permittee further acknowledges and declares that:
 - (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
41. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
42. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or 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. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
7. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled Cannabis Palm Card and Cannabis Rack Card. This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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 Conditional Use Permit and 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, Open Space Plan and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Goals and policies contained in this Chapter provide for the distribution, location and extent of uses of land for housing, business, industry, natural resources, open space, recreation, and other uses.</p> <p>Residential Agriculture (RA 40): Lands suitable to large lot residential uses that typically rely upon on-site water and wastewater systems. RA-40 is applied to more steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density is 40 acres/unit</p>	<p>The project includes 11,650 square feet of existing outdoor cannabis cultivation in the RA-40 land use designation. This is a consistent use within the RA-40 land use designation.</p> <p>The existing cultivation is considered an agricultural use, and the sheds, greenhouses, metal containers, and other supportive infrastructure may be considered accessory to the agricultural use.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>Commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located within the response area for the Alderpoint Volunteer Fire Company, however, it is located outside of a taxed fire district. Conditions of approval require the applicant to record 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
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is provided by Alderpoint Rd, Sunset Ridge Rd, Homestead Rd (labeled as Browning Rd in County WebGIS) and Sylvan Glade Rd.</p> <p>The applicant submitted a Road Evaluation Report with supporting photographic evidence, certifying that all access roads function at the equivalent of a category 4 standard.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
Conservation and Open Space Chapter 10 Open Space Section 10.2	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The proposed project is located within the RA-40 land use designation which is compatible with adjacent resource production and open space uses as described above. The project can be found consistent with the policies of the Open Space Element because the proposed project is consistent with the allowable uses of the land use designation. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p>

<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-P6, Development within Streamside Management Areas.</p>	<p>The property is within a matrix of Douglas-fir and oak forest and grassland. There are two ponds in the immediate vicinity of the cultivation areas. The western "lower pond" has been determined to be, in part, fed by surface water flows. It is not clear whether the pond is naturally occurring, or if it was installed by humans; it appears in aerial imagery from 1998. This diversion is one source of irrigation water for the project, subject to the standard forbearance period from May 15 – October 31 each year. The eastern "upper pond" has been determined to be off stream and fed by rainwater. This pond was installed in 2015. The outflow disperses water prior to reaching an intermittent stream that occurs approximately 100 feet to the east. Therefore, the pond is considered off-stream and does not require setbacks. In fact, cultivation would occur directly adjacent to the pond.</p> <p>The applicant estimates that annual water demand would total approximately 102,500 gallons. Irrigation water for the project would be provided by one spring diversion, one diversion from an in-stream pond, and the rainwater catchment pond. Storage capacity totals 254,000 gallons between the 215,000-gallon pond, one 20,000-gallon bladder, one 4,000-gallon tank and seven 2,500-gallon tanks. Conditions of approval require that use of the water bladder be discontinued.</p> <p>Generators would provide power for the nursery lights, fans and any dehumidifiers used to dry the cannabis onsite. Ongoing conditions of approval would require that noise levels from all cultivation-related equipment remain below 60 dB when measured at the property line. Ongoing conditions of approval would require that all lights associated with the nursery be contained per the International Dark Sky Standard Lighting Zones 0 & 1.</p> <p>The applicant submitted a Cannabis Relocation Report prepared by Natural Resource Management Corporation</p>
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		<p>(NRM) for the site. There were multiple pre-2016 garden sites within the Streamside Management Area (SMA) buffers for onsite streams. These streams are most likely tributary to the Eel River. Relocation of these sites protects water quality. The proposed relocation sites occur in the curtilage between the home site and Sylvan Glade Road. Analysis of aerial imagery captured prior to 2016 shows that the areas were all disturbed. The report prepared by NRM identifies no significant potential impacts associated with the relocation sites. The report recommends appropriate restoration activities including removal of all cultivation related materials, and revegetation with grass mixes of native species with the additional of native shrubs at the western cultivation site. These recommendations have been included as conditions of project approval. Ongoing conditions of approval would require the applicant to follow CDFW's standard recommendations for managing potential bullfrog populations in the onsite ponds. The installation of wildlife exit ramps in the pond is a condition of project approval.</p> <p>Ongoing conditions of approval to protect wildlife of the surrounding area include appropriate disposal of waste in wildlife-proof containers, prohibition on the use of monofilament netting, and the requirement that wildlife be allowed to leave the site unharmed.</p> <p>The applicant prepared a WRPP pursuant to the NCRWQCB Order No. R1-2015-0023. Among other concerns, the report addresses potential impacts on water quality as a result of pond design, location of cultivation sites, road design, septic permitting, materials storage, and water tanks and a bladder within the SMA. Completion of the improvements is a condition of project approval.</p> <p>There are documented Northern Spotted Owl (NSO) observations approximately 0.75 miles from the project site. The nearest documented</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>activity center occurs approximately 1.8 miles from the proposed activities. Approximate 1.6 miles from the project site are public lands classified as critical habitat for NSO and Marbled Murrelet. When planning staff reached out to CDFW on April 23 including the conditions listed herein, CDFW staff proposed no further changes thereto.</p> <p>Compliance with state agencies including CDFW and the SWRCB are ongoing conditions of project approval.</p> <p>The applicant submitted a Grading, Drainage and Erosion Control Plan prepared by Omsberg and Preston with specific design recommendations for the two onsite ponds. Improvement of the ponds in accordance with the engineer-prepared plans has been included in the conditions of approval.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation</p>	<p>There are no known cultural resources on the project site. The applicant retained ALTA Consulting for the preparation of a Phase I Archaeological Survey & Cultural Resource Inventory Report. The survey included ethnographic and historic background research, field methods applied, summary of findings, associated site records, maps, and documentation of consultation with Bear River Band of the Rohnerville Rancheria and the Native American Heritage Commission. No cultural resources were found on the property.</p> <p>The Bear River Band of the Rohnerville Rancheria responded to request for comment advising the Planning Department that the survey coverage was adequate and that inadvertent discovery protocols should be applied to the project. They have been included in the informational notes of this report.</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>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project consists of full sun cultivation in four cultivation areas and mixed-light cultivation in four existing greenhouses. The CMMLUO requires that cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards require that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</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. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Natural Resources Management (NRM) for the preparation of a WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. The highest priority corrective actions include upgrading pond outlets and revegetating berms. The successful completion of all recommendations included in the WRPP have been included in the conditions of approval. Conditions of approval require the submittal of the Notice of Applicability from the SWRCB, verifying successful enrollment under that agency's general order. Submittal of a Site Management Plan pursuant to the SWRCB rules has been included as a condition of approval.</p> <p>The applicant submitted a Grading, Drainage and Erosion Control Plan prepared by Omsberg and Preston with specific design recommendations for the two onsite ponds. Improvement of the ponds in accordance with the engineer-prepared plans has been included in the conditions of approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The WRPP states that the project site has an existing but unpermitted Onsite Wastewater Treatment System (OWTS). Evidence of a Division of Environmental Health (DEH) permitted onsite waste water treatment system (OWTS) provided to the County Planning office is a condition of approval.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The existing cultivation areas are outdoor and use one 2,000 kW gasoline-fueled generator for power. Noise generated from generators shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO remaining at or below 60 dB when measured at the property line.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability. S-IM14, Structural Hazards</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction or historic landslides. The cultivation area occurs on graded flat areas; however, adjacent slopes are between 0 and 30% and are classified as high instability. Given the relatively flat areas where cultivation areas are located, the proposed project is not expected to be affected by geologic instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards.</p> <p>The applicant submitted a Grading, Drainage and Erosion Control Plan prepared by Omsberg and Preston with specific design recommendations for the two onsite ponds. Improvement of the ponds in accordance with the engineer-prepared plans has been included in the conditions of approval.</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 approximately 25 miles distance from the coast and approximately 3,300 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p>	<p>The subject property is located 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 submitted standard comments. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant has one tank on site for fire suppression.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;	All structures occur outside of the standard 30-foot setback from the property lines. The applicant has submitted evidence that the access to the site provided by Alderpoint Rd, Sunset Ridge Rd, Homestead Rd and Sylvan Glade Rd provide the functional at the capacity of category 4 equivalent.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2), other criteria pollutants (AQ-G3), and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4) Related policies and standards: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7, Interagency Coordination.	All permits for grading and or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.

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

Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement: development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 217-401-002 is lot 46 as shown on Parcel Map recorded in Book 1 of Parcel maps page 95. 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.

<p>§314-7.3 Forestry Recreation (FR) B-5: is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.</p>		<p>All general agricultural uses, nurseries and greenhouses are enumerated as a principally permitted use in the FR zoning district. The project is for the cultivation of commercial medical cannabis employing outdoor production.</p>
Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Area	One (1) acre	Subject parcel is 47.67 acres
Maximum Ground Coverage	None specified.	N/A
Minimum Lot Width	200 feet	720 feet
Maximum Lot Depth	None specified	N/A
Setbacks Front: 20 feet Rear: 20 feet Side: 10 feet. Superseded by 30-foot setbacks in SRA area due to Firesafe regulations.		<p>Front north property line: plot plan shows a 96-foot setback.</p> <p>Rear, south property line: plot plan shows that CA 4 is >1000 feet from the south property line.</p> <p>Side, east and west property lines appear >200 feet based on the Site Plan dated April 25, 2109.</p>
Max. Building Height	35 feet	The applicant will use conventional single-story greenhouses for outdoor cultivation. The height of these structures will not exceed the height standard.
§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.	<p>Water is sourced from one rain catchment pond, diversion from one onstream pond and a spring diversion. The application includes a Special Permit for agricultural diversion and restoration activities within the SMA.</p> <p>In accordance with the CMMLUO and the terms of the final LSAA on the parcel, ongoing conditions of approval require that the applicant forbear from diversion from the spring and onstream pond between May 15 and October 31 each year.</p> <p>Proposed restoration activities do not include proposed earthwork and are limited to removal of cultivation-related materials and replanting of native grasses and shrubs. No cultivation activities would occur within the SMA buffer of any streams or wet areas onsite.</p>

§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There would be a maximum of 6 employees associated with the requested permit.</p> <p>There is sufficient space on the property for all employees to park.</p>
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§ 314-55.4.8.2.2	On...FR parcels 5 acres and larger in size, existing outdoor and mixed-light cultivation may be permitted with a Use Permit.	The parcel contains 11,650 SF of pre-existing cultivation is zoned FR.
§314-55.4.8.2	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.	Timberland conversion has occurred on the site (approximately 0.46 acres) prior to the effective date of the CMMLUO and the applicant has submitted a Timber Conversion Report. Completion of the recommendations in the Timberland Conversion Report has been made a condition 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, the applicant, Blocksburg Family Farms, LLC has five current applications (including the application considered by this report). They have been making steady progress on four of the five.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial cannabis cultivated would be dried onsite but further processing would occur offsite at a licensed third-party facility.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.

§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Irrigation water is from existing rainwater catchment pond, one diversionary pond and a spring diversion. Based on the submitted evidence, the project complies with the referenced section.
§314-55.4.11.d Performance Standards- Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The applicant's site plan shows that the cultivation area is not within 600 feet of any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources. The site plan shows the project complies with property line setbacks.

§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 applicant would use a generator to support lights in the ancillary nursery, fans associated with the nursery and the light deprivation cultivation as well as onsite drying activities. Ongoing conditions of approval would require the noise produced by any and all of these potential sources to stay at or below 60 dB.
§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 August 4, 2016.

4. Public Health, Safety and Welfare, and 6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have reviewed the proposed project and none have any comments that the project would be detrimental to the public health, safety and welfare, or injurious to other properties. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

5. Residential Density Target: The following table 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.	As discussed above, 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. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact:

The following paragraph identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation 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 217-401-002, 850 Sylvan Glade Rd Blocksburg, CA County of Humboldt

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

August 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 Conditional Use Permit (CUP) to continue operating an existing 11,650 square feet (sf) of outdoor commercial cannabis cultivation and an approximately 400-sf ancillary nursery located on Assessor's Parcel Number (APN) 217-401-002, which is approximately 48 acres in size. The site is currently developed with a residential dwelling unit. The cultivation areas including greenhouses and storage, water storage ponds and eight hard-sided tanks. Cultivation activities will occur in several outdoor garden areas totaling 9,350 sf and within four light-deprivation greenhouses totaling 2,300 sf. The proposed project also includes a Special Permit for continued use of two agricultural diversions and restoration activities within the Streamside Management Area (SMA). Processing would occur offsite. The maximum anticipated number of trips per day is six.

Water usage is estimated to be 102,500 gallons per year. Irrigation water is provided by one 215,000-gallon rainwater catchment pond, one 260,000-gallon on-stream pond and one spring diversion. Between the catchment pond, one 20,000-gallon bladder, one 4,000-gallon tanks and seven 2,500-gallon tanks, water storage totals 254,000 gallons. The applicant has signed a final Lake or Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW). The LSAA requires the improvement of a spillway, and limits water diversion to no more than three gallons/minute. It also requires that the permittee shall pass 90% of the flow, divert a maximum of 200 gallons/day and forbear from diversion between May 15 and October 31 each year. Compliance with CDFW regulation is included in the conditions of approval.

The property is within a matrix of Douglas-fir and oak forest and grassland. There are two ponds in the immediate vicinity of the cultivation areas. The western "lower pond" has been determined to be, in part, fed by surface water flows. It is not clear whether the pond is naturally occurring, or if it was installed by humans; it appears in aerial imagery from 1998. This diversion is one source of irrigation water for the project, subject to the standard forbearance period from May 15 – October 31 each year. The eastern "upper pond" has been determined to be off stream and fed by rainwater. This pond was installed in 2015. The outflow disperses water prior to reaching an intermittent stream that occurs approximately 100 feet to the east. Therefore, the pond is considered off-stream and does not require setbacks. In fact, cultivation would occur directly adjacent to the pond. There are two unnamed Class II watercourses within the parcel and one Class III drainage adjacent to the parcel. The applicant contracted Natural Resources Management (NRM) to prepare a Water Resources Protection Plan (WRPP) in accordance with enrollment as a Tier II discharger with the California Regional Water Quality Control Board Order 2015-0023. The WRPP identified areas and timelines for the implementation of watershed protection measures in accordance with the 12 standard conditions. Ten corrective actions were identified as necessary to meet the 12 standard conditions and made a condition of permit approval. These measures include making road improvements, monitoring of water usage, upgrades to pond berms and overflows, and the permitting of the onsite wastewater treatment system. Redesign and rocking of the pond spill-ways and checking of the berms for stability is

proposed by the applicant in an Erosion Control Plan, dated 03.07.2019. No cultivation activities are to occur within 100 feet of the nearest watercourse. Completion of the listed items is included in the conditions of approval. Conditions of approval also require that the applicant submit a Notice of Applicability from the State Water Resource Control Board (SWRCB) and submit a Site Management Plan (SMP) in accordance with that agency's general order.

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 11,650 SF of cannabis cultivation commercial cannabis operation, to authorize surface water diversions to support the cultivation, and to authorize 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, among other documents:

- Water Resource Protection Plan for APN 217-401-002 prepared by NRM, May 25, 2018.
- Archaeological Survey Report for Commercial Cannabis Cultivation prepared by Alta Archaeological Consulting, May 17, 2019.
- Less Than 3 Acre Conversion Mitigation Report prepared by NRM, March 18, 2019.
- Cannabis Relocation Report prepared by NRM, July 24, 2018.
- Site Plan Overview and Cultivation and Operations Plan prepared by Green Road Consulting, received June 12, 2020.
- Cultivation and Operations Plan prepared by Green Road Consulting, received April 25, 2020.
- Lake or Streambed Alteration Agreement prepared by the California Department of Fish and Wildlife, received April 24, 2020.
- Road Evaluation Report prepared by the applicant, received August 11, 2020.
- Grading, Drainage and Erosion Control Plans prepared by Omsberg and Preston, received March 7, 2019.

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 the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

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

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

10. 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)
11. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
12. 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)
13. 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)
14. Water Resource Protection Plan for APN 217-401-002 prepared by NRM (Attached)
15. Cannabis Relocation Report prepared by NRM (Attached)
16. Road Evaluation Report prepared by the applicant (Attached)
17. Grading, Drainage and Erosion Control Plans prepared by Omsberg and Preston (Attached)



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Next Gen Farms, Inc.

PO Box 238

Blocksburg, CA 95514

Parcel: 217-401-02

Agent

Kaylie Saxon

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519



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I. Site Plan Overview

1.0 Project Information

Next Gen Farms, Inc. ("Applicant") is submitting this application for a Type 3 Use Permit for the existing 10,050 square feet of outdoor commercial cannabis cultivation on a 47.67-acre parcel, located in Blocksburg, CA ("Parcel"), Assessor's Parcel Number 217-401-002. This application is submitted through their agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Special Permit would achieve the following results for the Applicant:

- a. Permit 10,050 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Blocksburg, CA. The Parcel is comprised of 47.67-acres and is identified by Assessor's Parcel Number ("APN") 207-401-002. There is no street address for the Parcel listed on Humboldt County GIS.

Zoning Classification

The County's Zoning Classification of the Parcel is FR-B-5(40) with a Current General Plan of AL40 (FRWK). The CMMLUO permits existing outdoor commercial cannabis cultivation on land zoned as FR with cultivation sites between 10,001 and 43,560 square feet with a Use Permit.

2.1 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following is from the Legal Description of the Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this application.

"Real property in the unincorporated area of the County of Humboldt, State of California, described as follows:

PARCEL ONE: Parcel numbered 46 as shown on that certain Parcel Map No. 64, recorded in the Humboldt County Recorder's Office, Book 1 of Parcel Maps, pages 95 through 114, inclusive.

Reference to said Parcel Map No. 64 does not constitute a recognition of creation of any rights or easements in the roads as shown on said Parcel Map, said roads having been relocated and superseded by the roads as shown on the Record of survey shown in Parcel 2 below.

PARCEL TWO: A non-exclusive easement for ingress, egress and public utility purposes, fifty (50) feet in width, the center line of which is as shown on that certain Record of Survey, recorded in Book 37 of Surveys, pages 41 through 48, inclusive, Official Records, Humboldt County Records; the easement as shown on said Record of Survey supersedes the easements as shown on Parcel Map No. 64 referred to in Parcel One above.

PART TWO

1. General and special taxes and assessments for the fiscal year 2013-2014, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with section 75 of the California Revenue and Taxation Code.
3. An easement for road purposes and incidental purposes in the document recorded March 20, 1943 as 259 of Deeds, page 339 of Official Records.
4. Covenants, conditions, restrictions and easements in the document recorded October 6, 1970 as 1060-244 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604 ©, of the United States Codes or Section 12955 of the California Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
5. An easement or lesser right for road purposes as disclosed by Survey filed 12-18-1979 in Book 37 of Surveys, page 41 Humboldt County Records.
6. The effect of a map purporting to show the land and other property, filed in Book 37 of Surveys, page 41 Humboldt County Records of Records of Surveys.
7. An easement for ingress, egress and public utilities and incidental purposes in the document recorded January 23, 1980 and February 4, 1980 as 1602-19 and 1602-1324 of Official Records.
8. The terms and provisions contained in the document entitled "Road Improvement and Maintenance Agreement" recorded February 7, 1980 as 1603-369 of Official Records.
9. The terms and provisions contained in the document entitled "Bylaws of Larabee Creek Association" recorded February 7, 1980 as 1603-369 of Official Records. Supplemental thereto recorded June 1, 1990, as Instrument Number 1990-12920-3 of Official Records.
10. An easement for ingress, egress and public utilities and incidental purposes in the document recorded May 9, 1980 as 1611-912 of Official Records."

4.0 Natural Waterways

The Parcel has two (2) unnamed Class II watercourses. There is also a Class III drainage running adjacent to the Parcel. See Sheet PO of the Site Plan, located in the Site Plan of Entire Parcel section of this application.

5.0 Location and Area of Existing Cultivation

The 10,050 square feet of cannabis cultivation is proposed to occur in four (4) locations on the Parcel and can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Full-term Cultivation Area

CA#1

CA#1 is located in the northern section of the parcel adjacent to the applicant's skid road. It consists of approximately 1,500 square feet of outdoor cultivation.

CA#2

CA#2 is located in the northern section of the parcel, parallel to CA#1. It consists of approximately 5,500 square feet of outdoor cultivation.

CA#3

CA #3 is located in the northern section of the parcel, immediately north of CA#1 and CA #2. It consists of approximately 1,250 square feet of outdoor cultivation.

CA#4

CA #4 is located in the northern section of the parcel, immediately south of the applicant's greenhouses. It consists of approximately 550 square feet of outdoor cultivation.

Light Depravation Cultivation Area

GH#1

GH#1 is located in the northern section of the parcel due south of CA#2. It consists of approximately 1,200 square feet of light depravation cultivation. It may also be used as a location for Immature Plants at the beginning of the cultivation season.

GH#2

GH#2 is located in the northern section of the parcel immediately west of GH#1. It consists of approximately 500 square feet of light depravation cultivation. It may also be used as a location for Immature Plants at the beginning of the cultivation season.

GH#3

GH#3 is located in the northern section of the parcel immediately west of GH#2. It consists of approximately 600 square feet of light depravation cultivation. It may also be used as a location for Immature Plants at the beginning of the cultivation season.

GH#4

GH#4 is located in the northern section of the parcel immediately west of GH#3. It consists of approximately 550 square feet of outdoor light depravation cultivation. It may also be used as a location for Immature Plants at the beginning of the cultivation season.

TOTAL OUTDOOR CULTIVATION=10,300FT²

Veg Space**Nursery#1**

Nursery #1 is located in the northern section of the parcel it consists of approximately 200ft² of veg space for immature cannabis plants.

Nursery#2

Nursery #2 is located in the northern section of the parcel it consists of approximately 200ft² of veg space for immature cannabis plants.

6.0 Access Roads

The Parcel is located off Sylvan Glade Road. The interior roads are in good condition and any erosion control measures or remediation necessary will be addressed in the Applicant's Water Resource Protection Plan ("WRPP").

7.0 Graded Flats

There are no graded flats on the parcel that have been identified to require a grading permit.

8.0 Existing and Proposed Buildings**Residence**

There is a residence located on the Parcel, see Sheet PO of the Site Plan, included in the Site Plan of Entire Parcel section of this application. It is not used for any cultivation related activities.

Nutrients Shed

The Nutrients Shed is located near Cultivation Area #3. It is used to store nutrients and fertilizers and for the drying/curing of harvested cannabis.

Garage

The garage is located near the residence. It measures approximately 10.5'x9.5.' It is used for harvest storage, drying cannabis and record keeping.

9.0 Water Storage, Use and Watershed Protection**10.1 Water Storage**

There is one (1) existing catchment pond that holds approximately 260,000 gallons, one (1) existing catchment pond that holds approximately 215,000 gallons, one (1) existing water bladder tank that holds approximately 20,000 gallons and one (1) 2,500-gallon transfer tank that is used to fill the water bladder. This total's approximately 497,500 gallons of storage.

10.2 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's

cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All irrigation of cannabis is completed by a timed drip irrigation system and is agronomically supplemented by hand as necessary during the summer months using a low flow watering head.

10.3 Watershed Protection

The Applicant has a WRPP completed outlining the watershed protection measures taken. A copy of the WRPP is included in the Other Permits, Licenses and Documents section of this application.

10.0 Distances from Significant Landmarks

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site. There also are not any off-site residences within 300 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All irrigation of cannabis is completed by a timed drip irrigation system and is agronomically supplemented by hand as necessary during the summer months using a low flow watering head.

2.0 Site Drainage, Runoff and Erosion Control Measures

The Applicant will install culvert to channel road runoff through garden to stop cultivation run-off from mixing in; outflow will infiltrate and not enter creek.

3.0 Watershed Protection

The Applicant has a WRPP completed outlining the watershed protection measures taken. A copy of the WRPP is included in the Other Permits, Licenses and Documents section of this application.

4.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The applicant only uses products accepted under legal pest management practices for cannabis growers in California.

All fertilizers and amendments are located in a nutrient storage shed on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. Currently, the applicant is using strictly organic compost tea foliar sprays.

All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter). This is outlined in the Applicant's included Water Resource Protection Plan.

5.0 Cultivation Activities

Cultivation at this site will be occurring year around with two harvest runs performed in July and October. While the Applicant maintains a greenhouse cultivation space, artificial lighting will be necessary to supplement natural lighting. The lighting consists of T-5 lights to supplement natural lighting and will be in operation during the evenings during the vegetative cycle when the green houses are tarped at night. The Applicant uses a 2,000 kw Honda generator to power the lighting.

Organic fertilizer and foliar sprays will be administered, with the Applicant ceasing sprays at least one (1) month prior to harvest.

The applicant will be pulling tarps over the greenhouses at night to have two (2) harvests of cannabis. Tarps will be pulled by hand and will not have any negative effects to the surrounding area.

6.0 Processing Practices

The Applicant will take harvested cannabis to a licensed third-party processor.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. Once returned from the third-party processor. The final cannabis product is stored in a secure location.

All cultivation related waste will be stored in water tight dumpsters and removed weekly. Any green waste will be piled and kept well away from any watercourse. Green waste is composted on site.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

7.0 Security Measures

The Parcel is fenced and the one access road to the property is gate. The cultivation area is under video security with a closed loop camera system.

State Water Resources Control Board
DIVISION OF WATER RIGHTS
INITIAL STATEMENT OF WATER DIVERSION AND USE
A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM
FURTHER INFORMATION CAN BE FOUND IN WATER CODE SECTIONS 5100-5107

Page 1 of 3 INITIAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER NAME: Ringo and Nancy

SOURCE/TRIBUTARY: Unnamed class II creek

DIVERSION WORKS NAME:

A. Diverter Information

Diverter Name(s)
Dakota Ringo and Nancy Nunez

Mailing Address
143 Sylvan Glade

City: Blocksburg State: Ca Zip: 95514

Phone Number
707 601 17705

Email Address (if available)
nancynunez93@yahoo.com

Person Filing Statement (if Different From Diverter)
Natural Resources Management Corp

Mailing Address
1434 Third Street

City: Eureka State: Ca Zip: 95501

Phone Number
707 442-1735

Email Address (if available)
nrm@nrmcorp.com

Land Owner Name
Dakota Ringo

Mailing Address
143 Sylvan Glade

City: Blocksburg State: CA Zip: 95514

Mail Receiver

☐ Diverter

☒ Person Filing

B. Signature and Important Information

DATE: 12-16-16

SIGNATURE

PRINTED NAME

(first name)

(middle name)

(last name)

I declare that the information in this report is true to the best of my knowledge and belief.

Submit Form Electronically

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD (Wat. Code, § 5106, subd. (b)(1))

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE MUST BE FILED AT THREE-YEAR INTERVALS OR IF THERE IS A CHANGE IN THE NAME OR ADDRESS OF THE DIVERTER. (Wat. Code, § 5104)

THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM. (Wat. Code, § 5107.)

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Additional copies of this form, instructions on how to complete this form and water right information can be obtained at:
<http://www.waterboards.ca.gov/water/rights/water-resources/programs/diversion-use/> Revised January 2014

State Water Resources Control Board
DIVISION OF WATER RIGHTS
INITIAL STATEMENT OF WATER DIVERSION AND USE
 A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT
 READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM
 FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

PAGE 2 OF 3: INITIAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER NAME Ringo and Nunez

SOURCE/TRIBUTARY Unnamed class III creek

DIVERSION WORKS NAME _____

1. Type of Claim													
Check the box(s) which describe the type of claim(s) under which you are diverting water.													
<input checked="" type="checkbox"/> Riparian	<input type="checkbox"/> Pre-1914	<input type="checkbox"/> Court Decree	<input checked="" type="checkbox"/> Pending Appropriative Application	<input type="checkbox"/> Pueblo	<input type="checkbox"/> Other								
If you checked yes for Court Decree, Pending Appropriative Application or other, list the decree number, application ID or explanation:													
2. Water Course Description													
Water Course Name at the point of diversion <u>Unnamed Class II creek</u>						Water Course is tributary to <u>Unnamed tributary to Basin Creek</u>							
3. Legal Land Description													
Provide the location of the Point of Diversion using one of the following methods (check one box and enter coordinates, if applicable)													
<input checked="" type="checkbox"/> Latitude/Longitude Measurements: <u>Latitude 40 28357306 , Longitude: -123 6759768</u>													
<input type="checkbox"/> California Coordinate System (NAD 1983):													
<input type="checkbox"/> USGS Topographic Map with point of diversion labeled on map (if checked yes, please attach map)													
Assessor's Parcel Number(s), if assigned <u>217-401-002</u>								County <u>Humboldt</u>					
Provide Public Land Description to nearest 40 acres (if assigned)													
<u>NW</u> $\frac{1}{4}$ of the <u>NE</u> $\frac{1}{4}$ of Section <u>24</u> , Township <u>T2S</u> , Range <u>R4E</u> , B&M <u>HB&M</u>													
4. Place of Use Description													
Provide a general description of the area in which the water was used <u>Water is used for irrigation on APN 217-401-002</u>													
Identify the location of the place of use on a specific United States Geological Survey (USGS) topographic map and on any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number (check box indicating each map attached)													
<input checked="" type="checkbox"/> USGS Topographic Map <input type="checkbox"/> County Assessor's parcel map													
5. Purpose of Use Description (Please select all that apply below)													
<input checked="" type="checkbox"/> Irrigation Number of Acres : <u>0.32</u>			<input type="checkbox"/> Domestic Persons Served :			<input type="checkbox"/> Stock watering Number of stock and type:			<input type="checkbox"/> Other Please Explain:				
6. Diversion Works Description													
Name of Diversion Works, if named						Year in which diversion commenced (or specify nearest known year) <u>1984</u>							
List any related existing water rights, if applicable (for example, an appropriative right using the same diversion works)													
Type of Diversion Facility (select one)													
<input type="checkbox"/> Gravity <input checked="" type="checkbox"/> Water Course Pump <input type="checkbox"/> Well Pump <input type="checkbox"/> Other (please specify)													
Do you directly divert water?		Capacity of Direct Diversion Works (specify unit and amount)						Do you divert water to storage?					
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Cubic feet per second <input type="checkbox"/> Gallons per minute <input type="checkbox"/> Gallons per day						<input checked="" type="checkbox"/> On-stream storage (Complete Section B) <input type="checkbox"/> Off-stream storage (Complete Sections A & B)					
A. Capacity of Storage Diversion Works (specify unit and amount) <u>5</u>						B. Capacity of Storage Tank or Reservoir (specify unit and amount) <u>215,000</u>							
<input type="checkbox"/> Cubic feet per second <input checked="" type="checkbox"/> Gallons per minute <input type="checkbox"/> Gallons per day						<input checked="" type="checkbox"/> Gallons <input type="checkbox"/> Acre-feet							
7. Quantity of Water Diverted Note: Measurements must be made using best available technologies and best professional practices as listed in Section 8a unless documentation is provided to the State Water Resources Control Board that the implementation of those practices is not locally cost effective.													
Provide the quantity of water diverted each month in the table below as a measured in (check one box) <input checked="" type="checkbox"/> Gallons <input type="checkbox"/> Acre-feet													
Year 2016	Jan	Feb	Mar	Apr	May 8126	Jun 16252	Jul 16252	Aug	Sep	Oct	Nov	Dec	Total 40,633

SOURCE/TRIBUTARY unnamed class III creek

DIVERSION WORKS NAME _____

8. Measurement Device Description

Method used to measure water diverted (select one)

- ☐ Water directly diverted and/or diverted to storage was measured with a measuring device.
(if checked, proceed to section 8a and skip section 8b)
- ☒ Direct measurement using a device listed in Section 8a is not locally cost effective for water directly diverted and/or diverted to storage.
(If checked, skip section 8a and proceed to section 8b)

8a. Measuring Device

Indicate the types of measuring devices used (check all that apply):

- ☐ Propeller Meter ☐ Sluice/Slide Gate ☐ Acoustic Meter ☐ Weir
- ☐ Staff gage and storage capacity curve ☐ Staff gage and floodable acreage
- ☐ Pressure transducer and storage capacity curve ☐ Other: _____

Indicate any additional technology used (check all that apply and explain below):

- ☐ Flow totalizer ☐ Data Logger ☐ Telemetry ☐ Other: _____

Indicate who installed your measuring device(s) (check all that apply):

- ☐ Representative using manufacturer's recommendations ☐ Licensed Civil or Agricultural Engineer
- ☐ Representative who is American Water Works Association (AWWA)-certified ☐ Hydrographer
- ☐ Representative using United States Geological Survey (USGS) techniques ☐ Other/Unknown: _____

List the make, model number, and last calibration date of your measuring device(s), if available:

8b. Explanation of why use of a measuring device is "not locally cost effective"

Indicate why you concluded that direct measurement using a device listed in Section 8a is not locally cost effective (check all that apply)

- ☐ Diversion is small or minimal in size ☐ Diversions are infrequent ☐ Ungauged Siphon
- ☐ No power at diversion point ☒ Other: Was unaware it needed to be measured

Indicate method(s) used as an alternative to direct measurement in order to complete this report (check all that apply)

- ☐ Electricity records dedicated to the pump ☐ Total facility electricity records minus estimated non-pump electricity
- ☐ Engine fuel use or hour meter records ☒ Crop duty estimates/consumptive use estimates
- ☐ Power generation estimates ☐ Other water duty estimates other than for crops
- ☐ Modeled/estimated flows ☐ Remote satellite imaging
- ☐ Pipe/trajectory method ☐ Bucket and stopwatch
- ☐ Float and stopwatch ☐ Other: _____

Explain your measurement alternatives:

Number of times watered by amount used each time

9. Maximum Rate of Diversion (if available)

Provide the maximum rate of diversion achieved in each month as measured in (check one box)

☐ cfs ☒ gpm ☐ gpd

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2016					5	5	5					

10. Recent Water UseProvide the annual water use
in recent years: 2015

Maximum 45,000

☒ Gallons ☐ Acre Feet

Minimum 35,000

☒ Gallons ☐ Acre Feet**11. Water Conservation Efforts (answer only sections applicable to your diversion)**Water Conservation: Are you currently employing any methods of water conservation?☒ Yes ☐ No

If yes, describe any water conservation efforts in use:

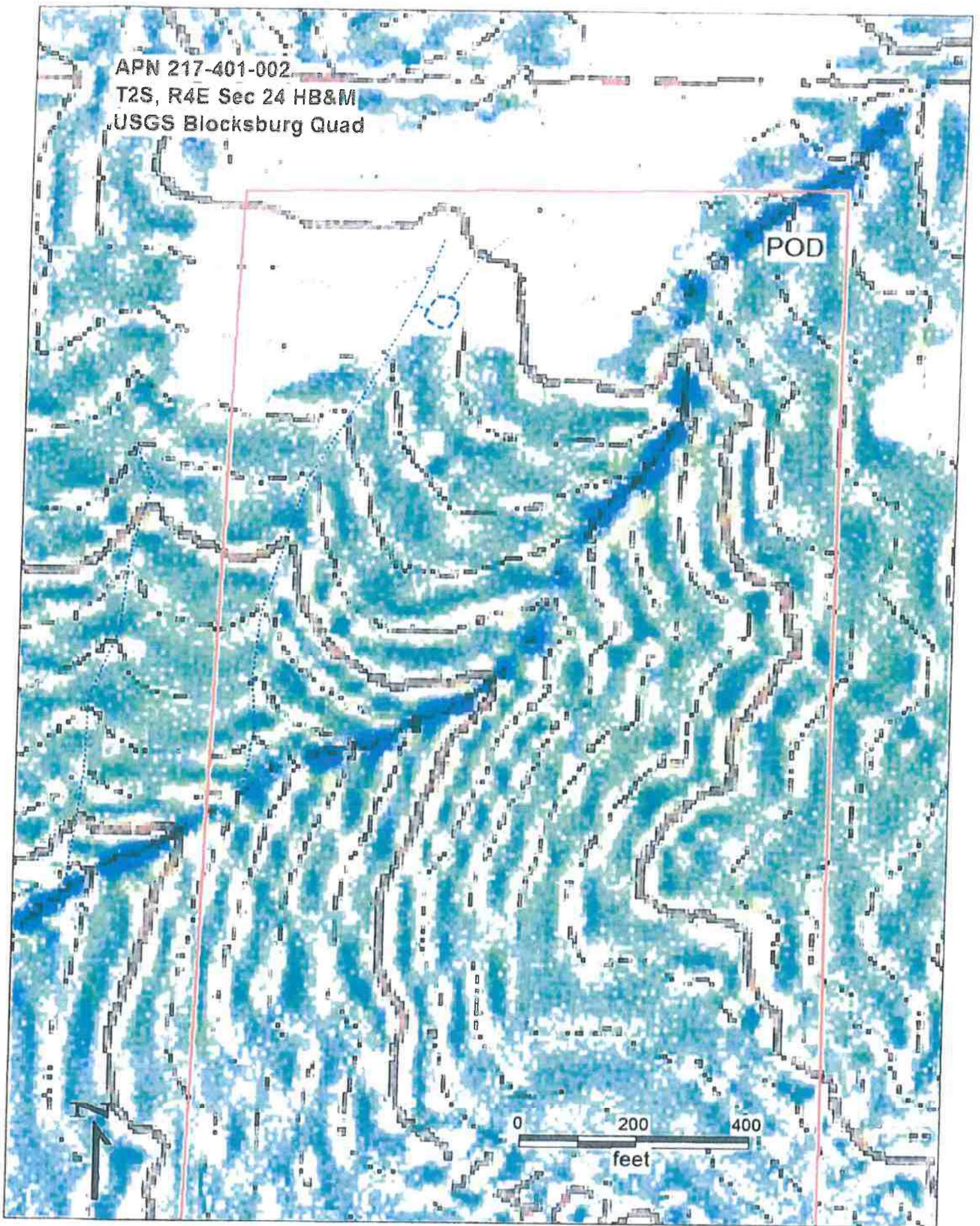
drip lineWater Quality and Wastewater Reclamation: Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses?☐ Yes ☒ NoConjunctive use of surface water and groundwater: Are you using groundwater in lieu of surface water?☐ Yes ☒ No

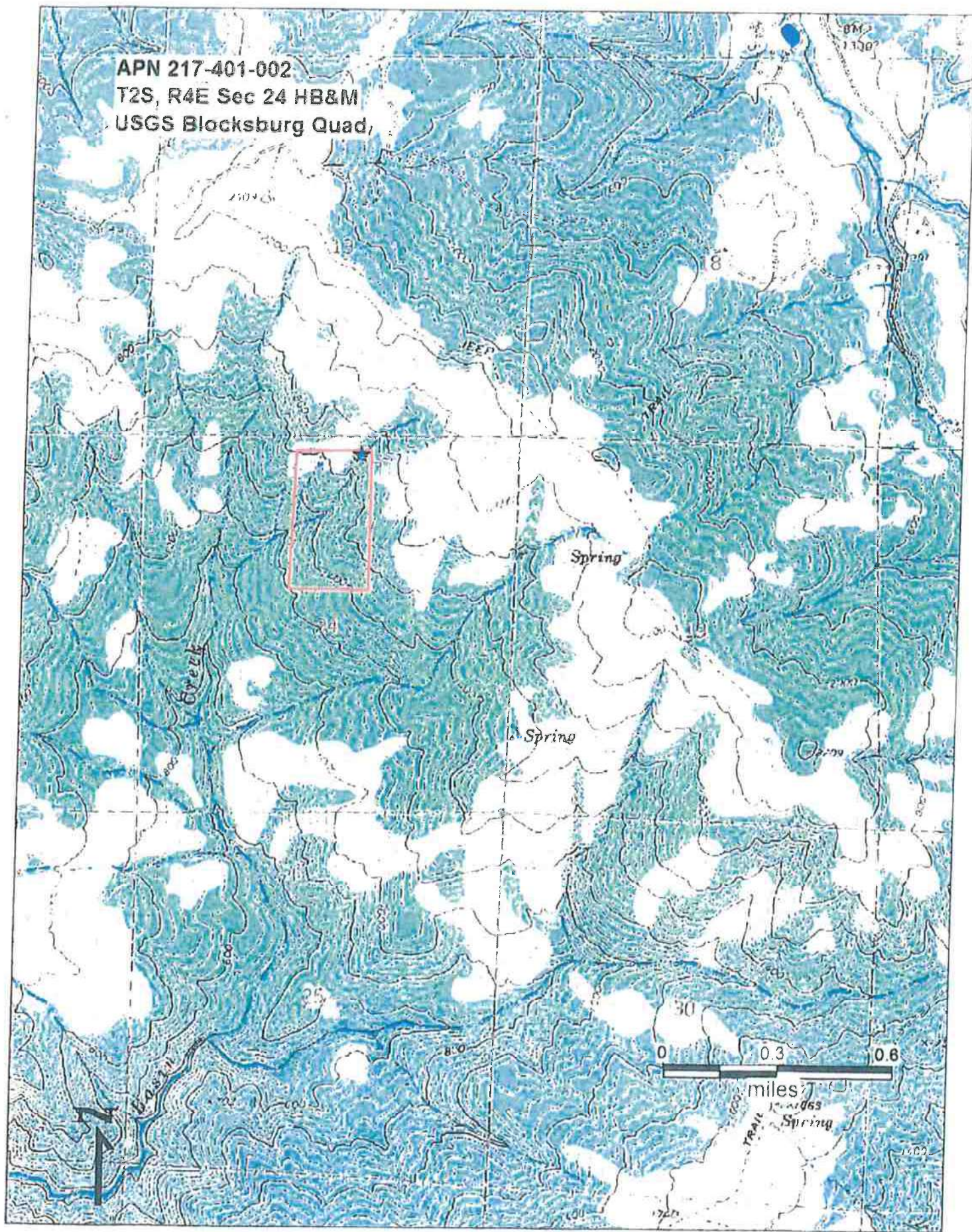
END OF INITIAL STATEMENT FORM

Sign and Submit Form**Save Form (submit later)**



Please mail a check, money order, or cashier's check for the \$750 filing fee payable to the State Water Resources Control Board. Include the perforated portion of notice of this Receipt and Invoice when you submit your payment. Make sure your check, money order, or cashier's check is payable to the order of the State Water Resources Control Board, P.O. Box 10813, Corpus Christi, Texas 78402-0813. Please include the permit number, permit type, permit date, permit expiration date, permit holder H501288, name, and address. Along with your check,





March 18, 2019

Dakota and Nancy Ringo
143 Sylvan Glade
Blocksburg, Ca, 95514

**Ringo Conversion Mitigation Report
for Humboldt APN #217-401-002
NE ¼, Section 24, T2S, R4E HB&M**

Dakota and Nancy Ringo have applied for a Humboldt County cannabis cultivation permit under Ordinance 2544. Within the Ordinance under Section 55.4.10 (j), is the requirement "Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a Registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final."

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance, applications for Commercial Cannabis Activity occupying sites created through prior unauthorized conversion of timberland. The document evaluates site conditions and conversion history for the parcel and contains a Registered Professional Foresters (RPF's) recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practice Act. On March 16, 2019, Ethan Coonen of Natural Resources Management visited the property with Dakota Ringo and inspected the forested areas for conversions and any inconsistencies with the Forest Practice Rules. The clearing efforts that occurred prior to and during the current ownership are considered conversion of timberland and were performed without a proper permit from CalFire. As can be seen on the attached aerial photos (see figures 5 & 6), very few trees have been cut since 2009. The current cultivation area has never been forested.

1. Contact Information

a. Timberland/Timber Owner of Record:

Dakota and Nancy Ringo
143 Sylvan Glade
Blocksburg, Ca, 95514

b. Registered Professional Forester Preparing Report:

Merritt Lindgren RPF # 2522
1434 Third Street
Eureka, CA 95501
(707) 442-1735

2. Location of Project

a. Site Address: 143 Sylvan Grade, Blocksburg, Ca, 95514, NE ¼ of Sec. 24, T2S, R4E HB&M

- b. Community Area: Blocksburg
- c. Assessor's Parcel No(s): 217-401-002
- d. Parcel Size(s): ~47 acres

3. Project Description

- a. Timber stand characteristics including species composition and age class.

The property is within a matrix of Douglas-fir/oak forest and grassland. The surrounding forest composition consists primarily of less than uneven aged second growth Douglas-fir and oak with a minor amount of other hardwood species. All species combined basal areas between 60 to 220 square feet per acre with 40% to 100% closed canopy. The property is zoned FR-B-5(40), Forest Recreation with Building Site.

- b. Watercourse and Lake Protection Zones (WLPZ) which exist within the boundaries of the parcel or immediate vicinity of the project (Section 916.4)

RIPARIAN BUFFER WIDTHS:

Class II standard watercourse 14CCR 916.9(g): (within the Coastal Anadromy Zone)

Channel Zone = channel between the WTL.

<30% = 15' Core Zone and 50' Inner Zone

30%-50% = 15' Core Zone and 75' Inner Zone

>50% = 15' Core Zone and 100' Inner Zone

Class III watercourse 14CCR 916.9(h): (within the Coastal Anadromy Zone)

30 ft. for side slopes <30%.

50 ft. for side slopes >30%.

There several class II and class III watercourses and two man-made ponds on the parcel. The conversion area is within 100 feet of a class II watercourse.

- c. Describe the timber harvest history, including timber operations within the parcel prior to the unauthorized conversion.

Nearly all the conifer forest in the area was harvested in the late 60's and early 70's; Large diameter Douglas-fir trees were tractor yarded. A house and stock pond (lower one by house) were already present by 1998. The house was rebuilt, and a second pond (upper) constructed in 2008. An area of Oregon white oak trees had been cleared and converted to a cannabis garden in 2012 but is currently abandoned. See Figure 2. The property was purchased by Dakota Ringo in 2013. The area around the house was cleared in 2018 to protect the house from wildfire.

- d. Identify and describe any portions of the parcel that are part of the unauthorized conversion of timberland. Calculate the total acreage of all areas converted. Differentiate between discrete (non-contiguous) areas of conversion and provide relevant sub-totals of these acreages.

Two illegal conversions occurred on this parcel, totaling **0.46 acres**.

Conversion A (Creek Garden)

A portion of timberland was cleared in 2012 and converted for cannabis cultivation until 2016, see Figure 2. The area is accessed with a quad trail with 30% grade. The conversion area is 40' from of a class II watercourse. About 30 Oregon white oak trees were cleared from a 120' by 75' area, totaling approximately **7,200 square feet (0.16 acres)**. No grading has occurred here. Cultivation had occurred here in the 1980's.

Due to its proximity to the class II watercourse, the landowner abandoned this cannabis cultivation site in 2016 in anticipation of legalization compliance requirements. Some cultivation related materials are still present within the conversion area. Conversion exemptions are not allowed within WLPZs. The converted area within the WLPZ shall be planted with native trees, see recommendations below.

Conversion B (House Protection)

The area around the house was cleared in 2018 to protect the house structure from future wildfires. An area, 120' by 135', totaling approximately **13,000 square feet or 0.3 acres** has been converted from forestland to residential use. Slopes range from 35% to 60%. Some slash still needs to be treated, see recommendations below.

Some aerial photos make the unstable area appear to have been cleared due to ground disturbance but old USGS topographic maps and aerial image from 2009 (see figure 5) show that area historically as grassland.

4. Analysis of Consistency Between Unauthorized Conversion and Applicable Forest Practice Rules (CFPR)

a. Harvest Practices and Erosion Control (CFPR Section 914)

Approximately 30 trees at conversion A and 40 trees at Conversion B were cleared without a permit from an areas (see conversion on Figure 2) shown as timberland on the 1967 Blocksburg 7.5' Quad Map. No erosion issue associated with timber clearing present at either conversion site.

b. Logging Roads, Landings, and Logging Road Watercourse Crossings (CFPR Section 923)

A Sylven Glade Road is a public road that runs through the parcel and accesses other properties. The driveway to the house from Sylven Glade Road is the appurtenant road for the conversion operations that have occurred. Minor amount of work is needed to remediate erosion issues. See recommendations below.

c. Watercourse and Lake Protection Zones (CFPR Section 916)

At the Conversion A trees were cleared from within the WLPZ' of a class II watercourse. The clearing starts 40' from the channel.

d. Hazard Reduction (CFPR Section 917 and 1104.1(a) (2)(D) 4.

A small amount of Douglas-fir slash and woody debris was present within 200 feet of permanently located structures maintained for human habitation that was created by Conversion B.

e. Rare, Threatened or Endangered Plants or Animals (CFPR Section 919)

No Rare, Threatened or Endangered Plants or Animals were observed.

f. Significant Historical or Archeological Sites (CFPR Section 929)

No evidence of historical or archaeological sites were observed.

5. Summary and Recommendations

#1) Surface flow along rock road. - Improve ditch between switch-backs. Construct 1' wide by 1' deep ditch from Map Point #1 down to Map Point #2. Line ditch with 4" diameter rock. Place 8" high piles of 4"

diameter rock in ditch as check dams spaced every 100'. Maintain crowned road prism. Monitor and maintain ditch as recommended.

#2) Road sediment potentially entering head of class III watercourse. - Construct catchment; contour 4' wide by 1' deep fan-shaped area. Cover catchment bottom and sides with 4" diameter rock to prevent erosion. Monitor and clean out catchment as needed.

#3) Surface flow along rock road. Improve ditch below last switch-back. - Construct 1' wide by 1' deep ditch. Line ditch with 4" diameter rock. Place 8" high piles of 4" diameter rock in ditch as check dams spaced every 100'. Maintain crowned road prism. Monitor and maintain ditch as recommended.

#4) Drain surface flow from garden and unstable area. - Finish construction of the French drain along break-in-slope. Dig 1' wide by 1' deep by 40' ditch and line with geotextile. Place perforated pipe and 2" diameter rock within ditch. Cover ditch with geotextile and cap with 2" diameter rock.

#5) Erosion at DRC outlet. Armor below outlet where erosion is occurring with 4"- 6" diameter rock to prevent erosion.

#6) Unstable area. Plant native tree and shrub species across unstable area spaced 8' apart. Recommended species include *Salix hookeriana* (willow), *Quercus chrysolepis* (canyon live oak), *Sambucus nigra ssp. cerulea* (blue elderberry), *Heteromeles arbutifolia* (toyon) and *Ribes roezlii* (Sierra gooseberry).

#7) Untreated slash. Finish removing slash created from structure protection clearing. Pile and burn, lop and scatter, chip, or bury all wood debris. Burning slash requires air quality and CalFire permits.

#8) Erosion along quad trail with 30% grade. Install waterbars across quad trail according to the following table.

Table 1. Maximum Distance Between Waterbars

Road Gradient in Percent	< 10	11-25	26-50
Distance in Feet	200	150	100

#9) Cultivation related materials within riparian zone. Pull back all cannabis cultivation related materials at least 100' from class II watercourse. Replant all of the converted area within the WLPZ with native tree species on a 12' by 12' spacing.

6. Photos, Figures, Map

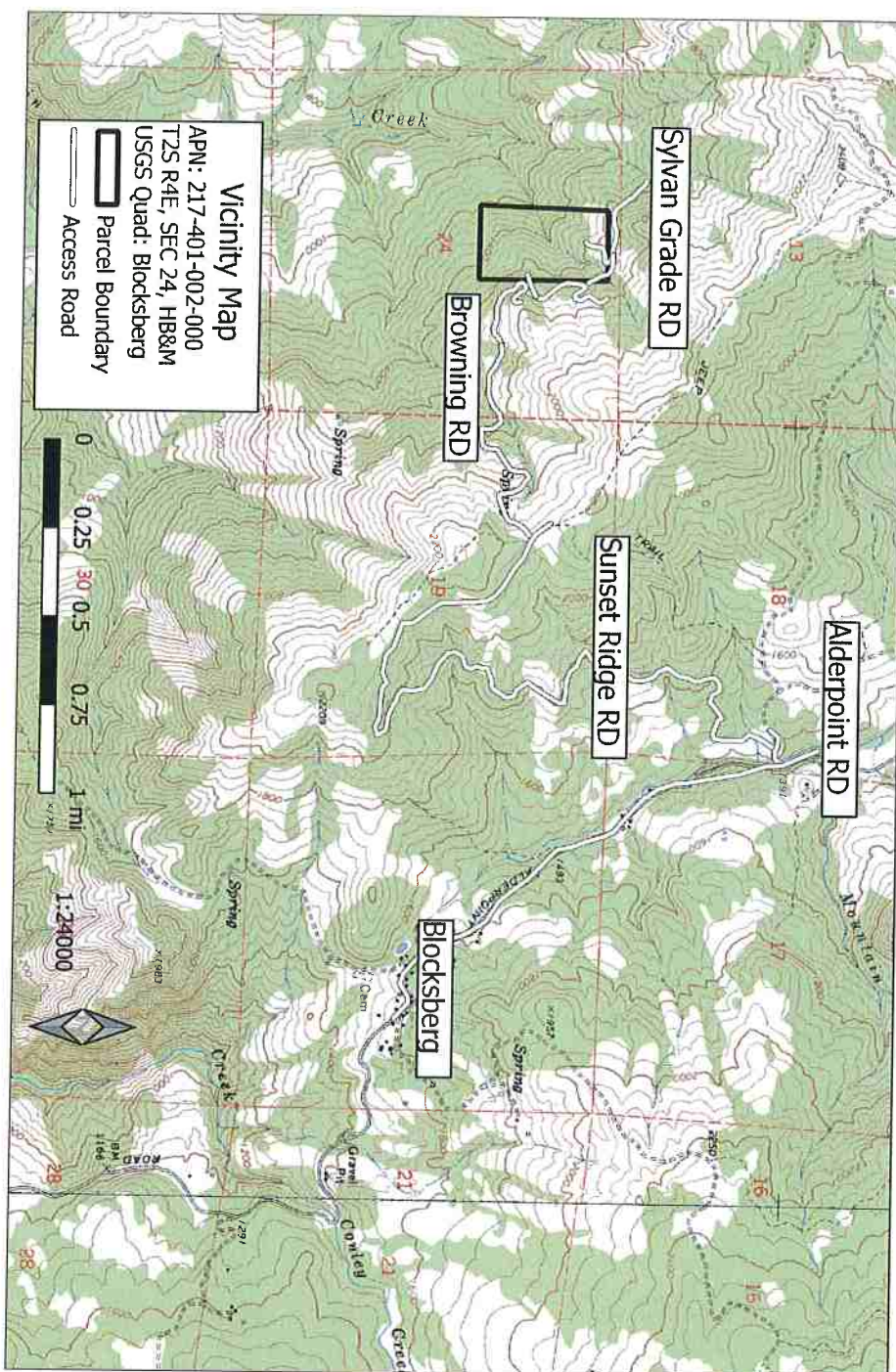
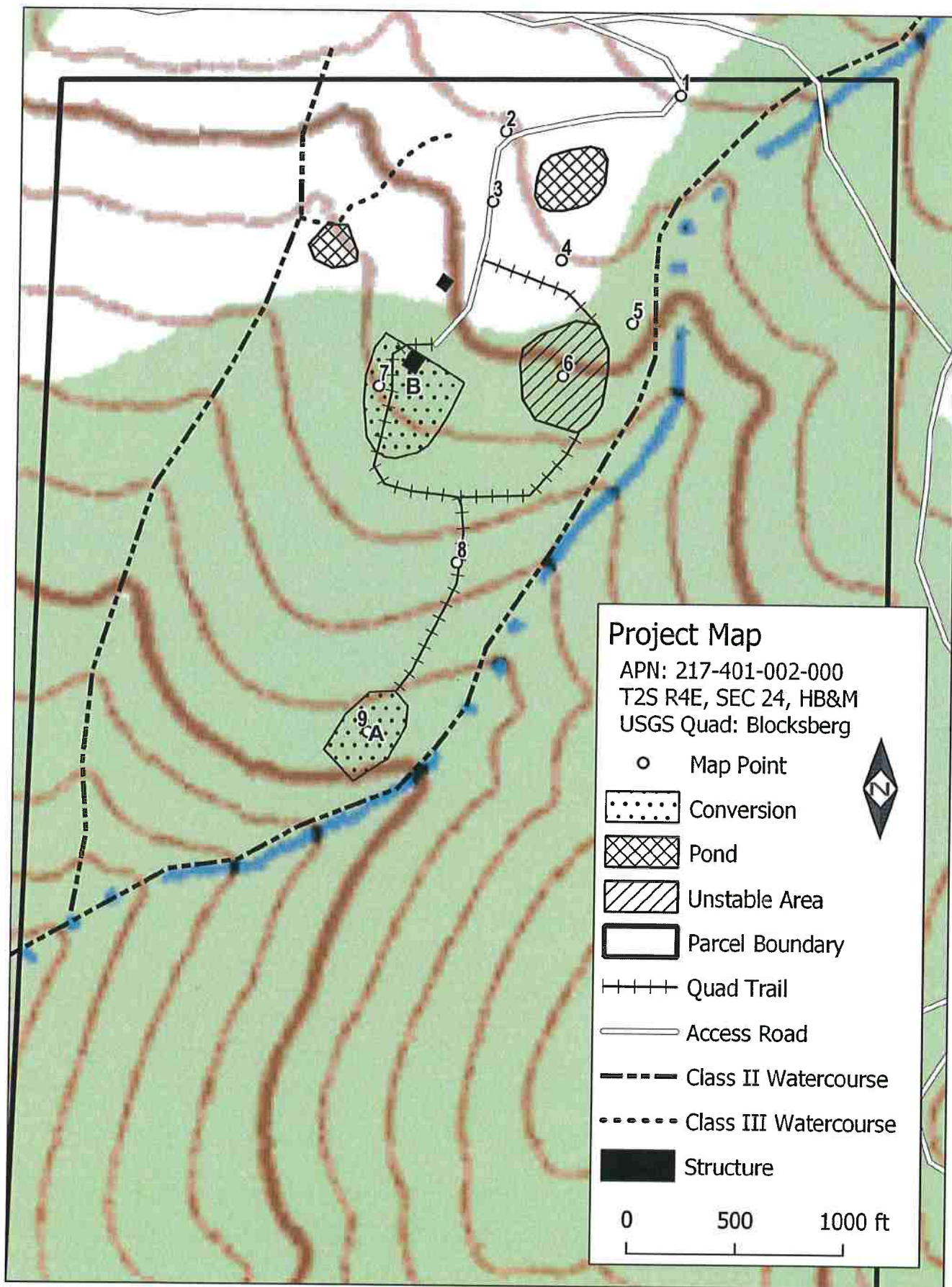


Figure 1. Vicinity Map



Dakota and Nancy Ringo Conversion Mitigation for APN: 217-401-002

6

Figure 2. Project Map

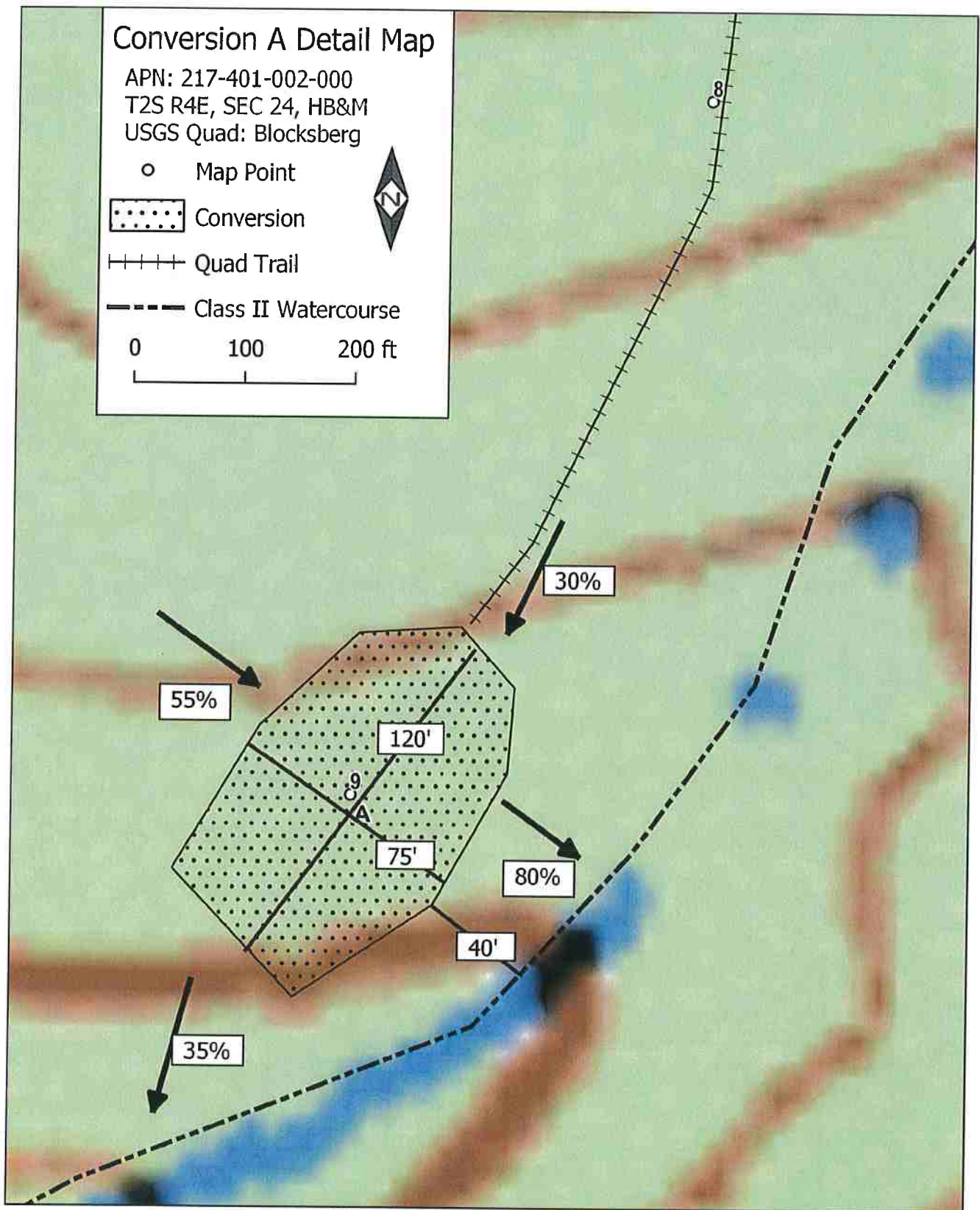


Figure 3. Conversion A Detail Map.

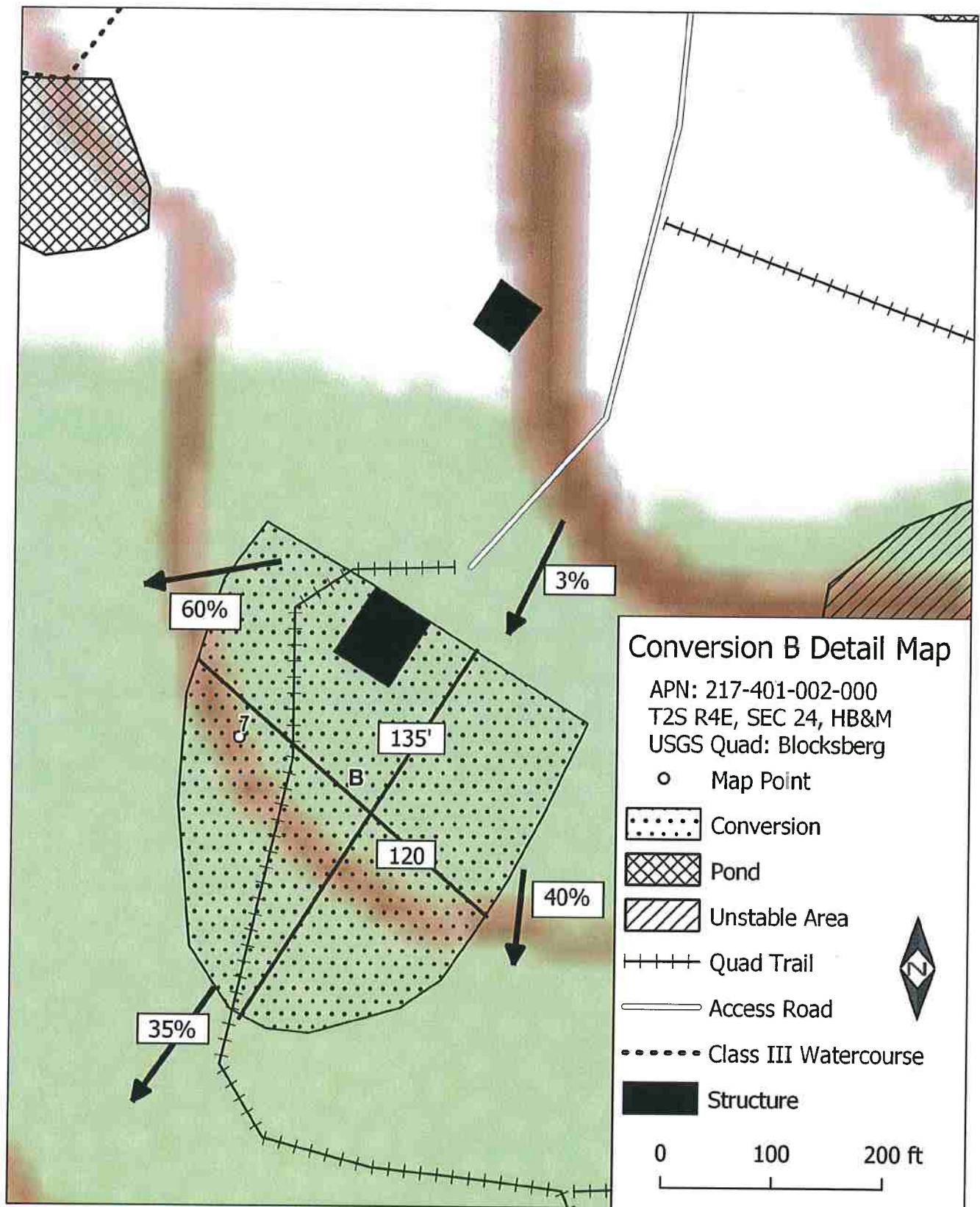


Figure 4. Conversion B Detail Map.



Photo 1. House rebuilt in 2008 with Conversion B behind it.



Photo 2. Conversion B behind house looking south.



Photo 3. Map Point #7. Conversion B behind house looking west. Remove slash.



Photo 4. Map Point #9. Conversion A looking south.



Photo 4. Map Point #9. Conversion A looking north.



Photo 5. Map Point #1 looking west. Improve inboard ditch.



Photo 6. Map Point #3 looking north. Improve inboard ditch.



Photo 7. Map Point #6. Plant native trees and shrubs on unstable area.



Figure 5. Aerial image from 2009 of conversion areas.



Figure 6. Aerial image from 2018 of conversion areas.

RECORDING REQUESTED BY:

Dakota Ringo
P.O. Box 238
Blocksburg, CA 95514

When Recorded Mail Document and Tax
Statement To:

Above

2013-002750-3

Recorded - Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by: BUFFINGTON
Rec Fee: \$19.00

Survey Mon Fee: \$10.00

No PCOR: \$20.00

Doc Trf Tax: \$203.50
Clerk: MM Total: \$252.50
Feb 5, 2013 at 11:21:36

APN: 217-410-002

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Documentary transfer tax is \$ 203.50 City Transfer Tax is \$
[*X*] computed on full value of property conveyed, or
[] computed on full value less value of liens or encumbrances remaining at time of sale,
[] Unincorporated Area County of Humboldt

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Anne Buffington, a single woman, as her sole and separate property (hereon referred to as GRANTOR),

hereby GRANT(S) to

Dakota Ringo, an unmarried man (hereon referred to as GRANTEE)

the following described real property in the County of Humboldt, State of California

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE OF PART THEREOF

DATED: February 5, 2013

STATE OF CALIFORNIA

COUNTY OF Humboldt

On February 5, 2013 before me,
Tasheena Evenson personally appeared
Anne Buffington

Anne Buffington

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Tasheena Evenson



MAIL TAX STATEMENTS AS DIRECTED ABOVE

1 of 3

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Humboldt, State of California, described as follows:

PARCEL ONE: Parcel numbered 46 as shown on that certain Parcel Map No. ⁴⁶~~44~~, recorded in the Humboldt County Recorder's Office, Book 1 of Parcel Maps, pages 95 through 114, inclusive.

Reference to said Parcel Map No. ⁴⁶~~44~~ does not constitute a recognition of creation of any rights or easements in the roads as shown on said Parcel Map, said roads having been relocated and superseded by the roads as shown on the Record of Survey shown in Parcel 2 below.

PARCEL TWO: A non-exclusive easement for ingress, egress and public utility purposes, fifty (50) feet in width, the center line of which is as shown on that certain Record of Survey, recorded in Book 37 of Surveys, pages 41 through 48, inclusive, Official Records, Humboldt County Records; the easement as shown on said Record of Survey supersedes the easements as shown on Parcel Map No. ~~44~~ referred to in Parcel One above. ⁴⁶

APN: 217-410-002

OR #2013-002750-3 2 of 3

PART TWO

1. General and special taxes and assessments for the fiscal year 2013-14, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with section 75 of the California Revenue and Taxation Code.
3. An easement for road purposes and incidental purposes in the document recorded March 20, 1943 as 259 of Deeds, page 339 of Official Records.

Confirmation of the above by Deed from William Smith etux to Viola Russ McBride, recorded April 2, 1943 in Book 259 of Deeds, Page 465, Humboldt County Records.

4. Covenants, conditions, restrictions and easements in the document recorded October 6, 1970 as 1060-244 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, disability, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes or Section 12955 of the California Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
5. An easement or lesser right for road purposes as disclosed by Survey filed 12-18-1979 in Book 37 of Surveys, page 41 Humboldt County Records.
6. The effect of a map purporting to show the land and other property, filed in Book 37 of Surveys, page 41 Humboldt County Records of Records of Surveys.
7. An easement for ingress, egress and public utilities and incidental purposes in the document recorded January 23, 1980 and February 4, 1980 as 1602-19 and 1602-1324 of Official Records.
8. The terms and provisions contained in the document entitled "Road Improvement and Maintenance Agreement" recorded February 7, 1980 as 1603-361 of Official Records.
9. The terms and provisions contained in the document entitled "Bylaws of Larabee Creek Association" recorded February 7, 1980 as 1603-369 of Official Records. Supplemental thereto recorded June 1, 1990, as Instrument Number 1990-12920-3 of Official Records.
10. An easement for ingress, egress and public utilities and incidental purposes in the document recorded May 9, 1980 as 1611-912 of Official Records.

OR #2013-002750-3 3 of 3

7. References and Conditions

California Forest Practice rules, 2018; Title 14, California Code of Regulations

Humboldt County Web GIS; <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>

Real Quest Data – County Assessor information; <http://pro.realquest.com/servlet/workflow/main#/report/apn>

STATEMENT OF CONTINGENT AND LIMITING CONDITIONS CONCERNING THE PREPARATION AND USE OF THE LESS THAN 3 AC CONVERSION MITIGATION PLAN

1. This information has been prepared for the sole use of the **Landowner of Record**, for the express purpose of submitting the document to CAL Fire and or the local county planning department.
2. Natural Resources Management Corporation does not assume any liability for use of this information by any party other than the owner or their agent.
3. The assessment presented in this report should be viewed and considered in light of the time spent observing the property and the methodologies used. The assessment may differ from those made by others or from the results of interpretation and assessment protocols.
4. Natural Resources Management Corporation did not conduct an investigation on a legal survey of the property.
5. The information is based upon conditions apparent to Natural Resources Management Corporation at the time the work was done. This report is time sensitive and provides current conditions as per the date of this document. No further clearing of trees, grading or construction of structures shall occur on site until the approval of this document by CAL Fire and/or the local county planning department.
6. All future work on site shall be through **approved permits** with local state or county agencies.
7. Natural Resources Management Corporation shall not be responsible for the supervision of mitigation operations following approval of this conversion plan.

Signature Page

Landowner of Record: Dakota Ringo

Signature: _____ Date: _____

Registered Professional Forester: Merritt Lindgren # 2522

Signature: Merritt Lindgren Date: 3/19/2019

Cannabis Relocation
APN 217-401-002
WDID# 1B161058CHUM
County Application#
Humboldt County



Prepared by:
Natural Resources Management Corporation
1434 3rd Street
Eureka, CA 95501

July 24, 2018



Summary

The western pre-existing *Cannabis* cultivation area on APN 217-401-002 was partially located within the riparian buffer of a Class III waterway and the eastern pre-existing *Cannabis* cultivation areas on APN 217-401-002 were partially located within the riparian buffer of a Class II waterway. To meet the required riparian buffers cultivation was relocated in 2018 on the property and is split between three outdoor gardens and four hoop houses. The remaining cultivation areas are outside any riparian buffers and any actively sliding/eroding areas; relocating these cultivation areas reduced the threat to water quality.

Preexisting Cultivation Sites

The western pre-existing *Cannabis* cultivation area on APN 217-401-002 was partially located within the 50-foot riparian buffer of an unnamed Class III waterway. This unnamed Class III waterway is most likely a tributary to the Eel River. The eastern pre-existing *Cannabis* cultivation areas on APN 217-401-002 were partially located within the 100-foot riparian buffer of an unnamed Class II waterway. This unnamed Class II waterway is a tributary to the Eel River. The Eel River is a Class I fish bearing river with a summer run steelhead population. All cultivation inside the riparian buffers was removed by early 2018 and relocated to outside of the riparian buffers.

Previously, for the 2017 season, the western cultivation area was a hoop house set up in a crescent shape that was within 50 feet of the Class III stream. Just below this was a full sun cultivation area that measured roughly 50-feet by 30-feet. This area in total contained 2,400 square feet of cultivation.

To the east of this garden is another cultivation area. For the 2017 season this area had full sun plants (in 200-gallon pots) and four raised bed hoop houses; measuring in at 13,950 square feet. This measurement included a 12-foot wide road that splits the full sun plants and the hoop houses. The eastern edge of this cultivation space was roughly 55 feet away from a Class II waterway.

Relocation Area

The cultivation areas were adjusted in 2018 to remove the portions inside the riparian buffers. To meet the required riparian buffers, cultivation was relocated on the property and currently there is approximately 11,400 square feet of cannabis cultivation, which is split between three outdoor gardens and four hoop houses.

To address the 50-foot riparian buffer at the western cultivation area, cultivation has been relocated and reduced to one 12-foot by 12-foot greenhouse and approximately 675 square feet of outdoor cultivation, which is located outside of the 50-foot riparian buffer.

To address the 100-foot riparian buffer at the eastern cultivation area, the cultivation within the buffer has been relocated. The hoop houses have all been shifted to the west and a small amount of outdoor cultivation has been set up on the south side of the hoop houses. The majority of the outdoor cultivation has been shifted to the northwest of its original location. The area now measures approximately 9,773 square feet.

Restoration

All cultivation materials including but not limited to pots, soil, stakes, and other cultivation related wastes will be removed from the western and eastern cultivation areas. All square footage of removed cultivation areas within the riparian buffers will be re-vegetated with native species. Recommended native grass mixes include the Habitat Mix (40 pounds per acre) and the Native Erosion Control Mix (45 pounds per acre), which can be purchased from Pacific Coast Seed.

These mixes are recommended because they include species native to the project area (Humboldt County) and are proven to be effective in the local climate. Species include: *Bromus carinatus* (native California

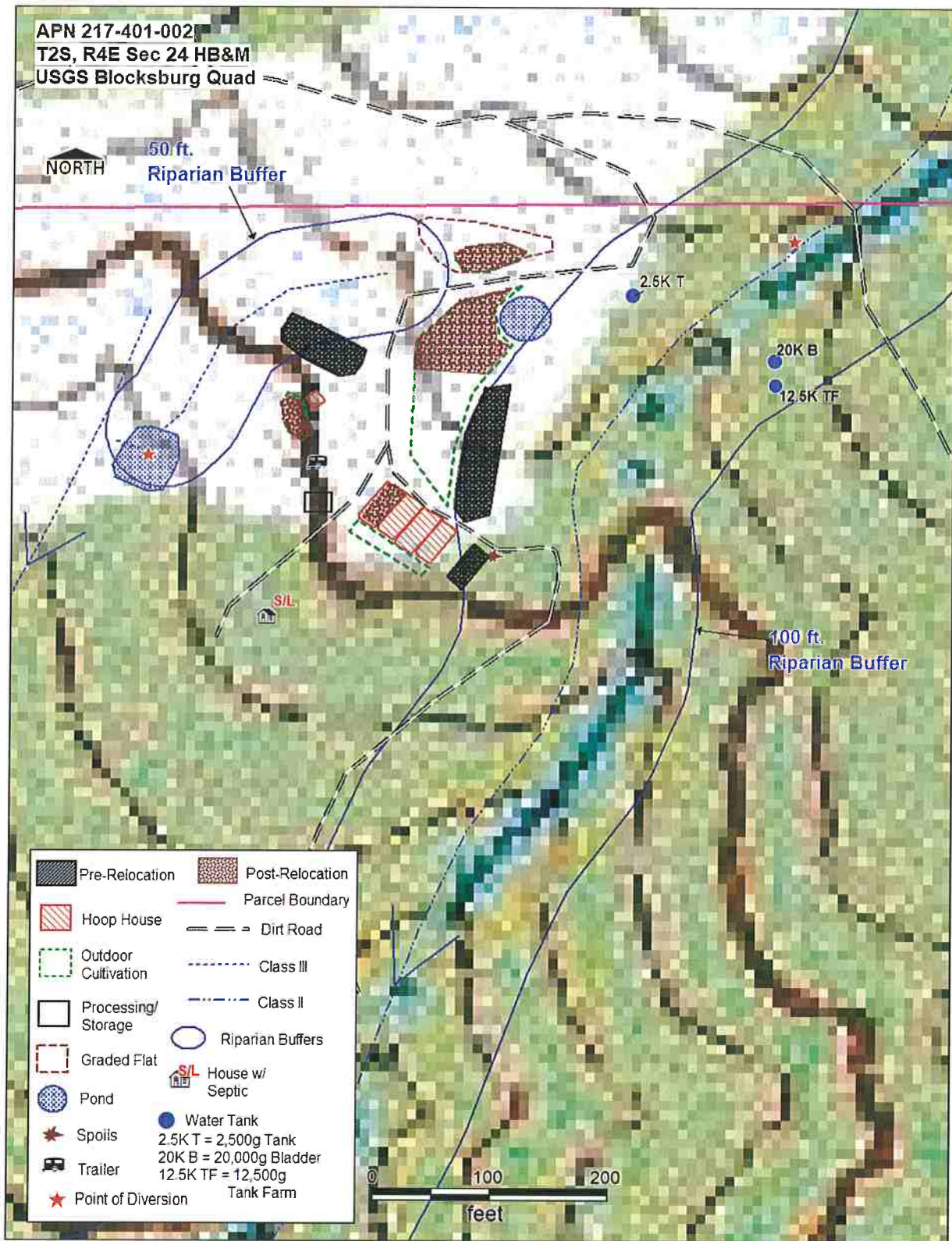
brome), *Elymus glaucus* (blue wildrye), *Hordeum californicum* (California barley), *Festuca idahoensis* (Idaho fescue), *Stipa pulchra* (purple needlegrass), and *Poa secunda* (pine bluegrass).

The location where the western grow was removed should be replanted with shrubs in addition to the native grass seed. Recommended possible species include: *Rosa gymnocarpa* (wood rose), *Rubus ursinus* (California blackberry), *Sambucus nigra ssp. cerulea* (blue elderberry), *Heteromeles arbutifolia* (toyon) and *Ribes roezlii* (Sierra gooseberry). These shrubs should be planted on 10-foot centers.

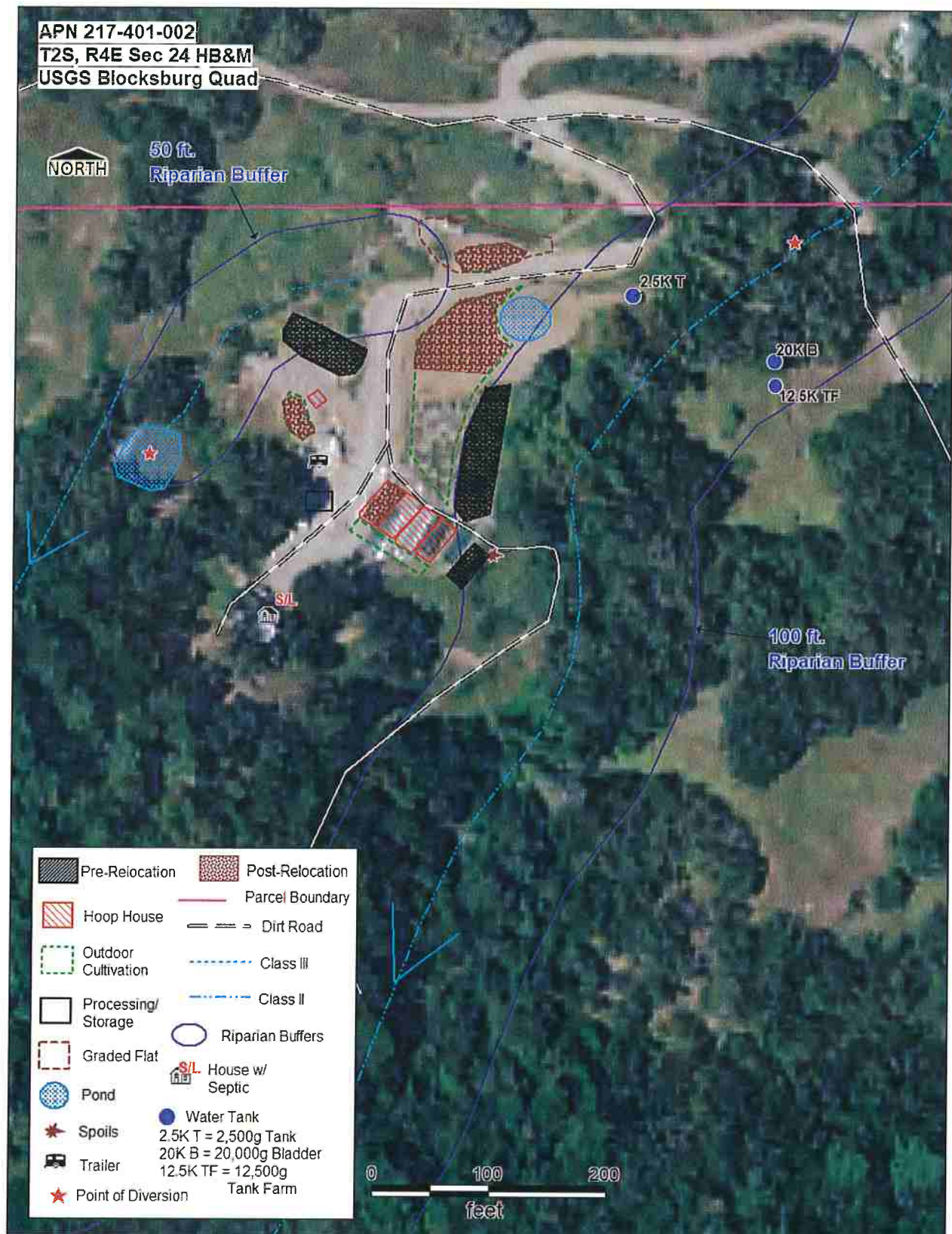
Site Maps



Map 1. Vicinity of APN 217-401-002



Map 2. Cannabis cultivation relocation on APN 217-401-002



Map 3. Cannabis cultivation relocation on APN 217-401-002, 2016 Ortho

Site Photos



Photo 1. Pre-existing western cultivation area (11/7/2016)



Photo 2. Pre-existing western cultivation area (8/24/2016)



Photo 3. Pre-existing eastern cultivation area hoop houses (8/24/2016)



Photo 4. Pre-existing eastern cultivation area between outdoor plants and hoop house (8/24/2016)

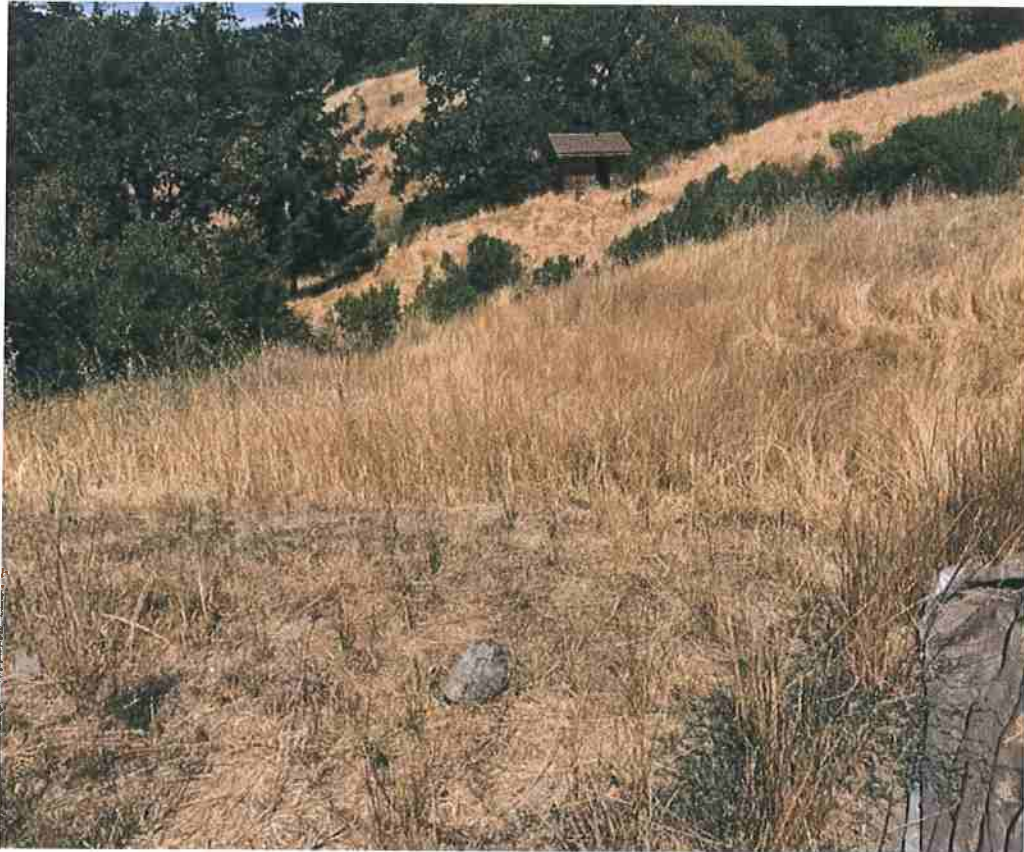


Photo 5. Western cultivation area removed from stream buffer (7/24/2018)



Photo 6. Eastern hoop house removed from stream buffer (7/24/2018)



Photo 7. Eastern outdoor area removed from stream buffer (7/24/2018)



Photo 8. Current eastern outdoor cultivation area relocated outside of stream buffers (7/24/2018)



Photo 9. Current eastern cultivation area hoop houses relocated outside of stream buffers (7/24/2018)



Photo 10. Current western small cultivation area hoop house relocated outside of stream buffers (7/24/2018)



Photo 11. Current western outdoor cultivation area relocated outside of stream buffers (7/24/2018)

GRADING, DRAINAGE & EROSION CONTROL PLAN

DAKOTA RINGO

Blockburg, California

RECEIVED

MAR 07 2019

Humboldt County
Cannabis Svcs.

CAUTION:

UNAUTHORIZED CHANGES & USES

THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONALS.

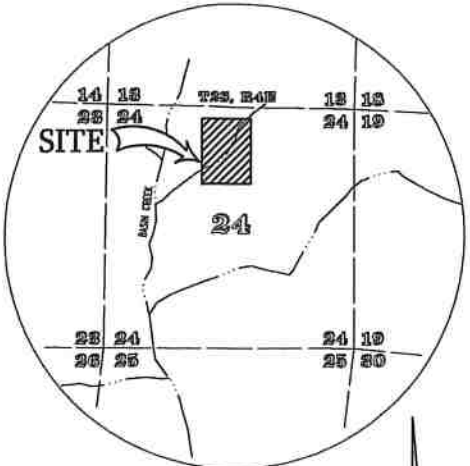
CONSTRUCTION NOTES

GENERAL

1. THE INFORMATION AND ELEVATIONS PERTAINING TO EXISTING UNDERGROUND FACILITIES, AS SHOWN HEREON, ARE FROM RECORD INFORMATION AND IS PRESENTED HERE FOR INFORMATIONAL PURPOSES ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL AGENCIES INVOLVED AND SHALL LOCATE THE EXISTING UNDERGROUND FACILITIES PRIOR TO EXCAVATION AND CONSTRUCTION IN ANY AREA. THE CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT (USA) AT 811 AT LEAST TWO (2) WORKING DAYS IN ADVANCE OF ANY EXCAVATION, AND SHALL NOTIFY THE ENGINEER AND DEVELOPER OF ANY APPARENT DISCREPANCIES IN THE RECORD INFORMATION SHOWN HEREIN.
2. CONTOURS ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS AND ARE AT 40 FOOT INTERVALS.
3. MATERIALS AND WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS AND STANDARD PLANS OF THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), LATEST EDITION, AND THE IMPROVEMENT STANDARDS, LATEST REVISION, OF THE COUNTY OF HUMBOLDT.
4. THE CONTRACTOR SHALL REMOVE FROM THE SITE AND LAWFULLY DISPOSE OF ALL DELETERIOUS MATERIAL (BROKEN CONCRETE, ASPHALT PAVEMENT, BASE MATERIAL, ROCKS, STUMPS, ROOTS, LIMBS, ETC.) TO A COUNTY APPROVED DISPOSAL SITE.
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS ON OR ADJACENT TO THE PROJECT SITE, INCLUDING BUT NOT LIMITED TO FENCES, CONCRETE CURBS AND GUTTERS, CONCRETE SLABS, UNDERGROUND CONDUITS, STRUCTURES, DECKS, LANDSCAPING, ETC. WHERE DAMAGE TO ADJACENT IMPROVEMENT IS UNAVOIDABLE, THE CONTRACTOR SHALL MAKE ARRANGEMENTS WITH THE PROPERTY OWNER TO REPLACE OR REPAIR THE DAMAGED IMPROVEMENTS.
6. STORM DRAIN PIPE, SHALL BE HIGH-DENSITY POLYETHYLENE (N-12 AS MANUFACTURED BY ADS, OR APPROVED EQUAL), OR AS SPECIFIED ON THESE PLANS.
7. THIS PARCEL IS ZONED AE-B-6 AND HAS A GENERAL PLAN DESIGNATION OF RA40 AND IS IN THE STATE RESPONSIBILITY AREA (SRA).
8. THE PROPERTY IS CURRENTLY DEVELOPED, WITH A RESIDENCE, AND LARGE STORAGE SHED.
9. THE SITE HAS HISTORICALLY NOT BEEN SUBJECT TO FLOODING, PER F.I.R.M. COMMUNITY-PANEL NO. 06023C1985F, EFFECTIVE ON 11/04/2016.
10. IT IS UNKNOWN AT THIS TIME WHETHER THE SITE IS UNDERLAIN BY SENSITIVE HABITAT AREAS, WETLAND AREAS OR ARCHAEOLOGICAL RESOURCES.

GRADING & EROSION CONTROL

11. APPROXIMATELY 890 C.Y. OF SOIL MATERIAL WILL BE RELOCATED TO ACCOMPLISH THE GRADING FOR THE UPPER POND.
12. DUST SHALL BE CONTROLLED BY WATERING DURING ALL PHASES OF CONSTRUCTION.
13. SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE DURING CONSTRUCTION.
14. EXISTING NON-VEGETATED AREAS SHALL RECEIVE EROSION CONTROL TREATMENT PRIOR TO THE ONSET OF THE WINTER RAINS. EROSION CONTROL TREATMENT SHALL CONSIST OF THE FOLLOWING:
 - a. SPREAD REDWAY SEED MIX AT THE MANUFACTURERS RECOMMENDED RATE.
 - b. SPREAD STRAW AT THE RATE OF 2 TONS/ACRE.
 - c. STRAW SHALL BE STABLE AND NOT SUBJECT TO REMOVAL BY WIND. THE STRAW SHALL BE PLACED WITH PARTIAL EMBEDMENT INTO THE SOIL OR TREATED WITH A SUITABLE STABILIZING EMULSION.
15. THE GOAL OF THIS GRADING, DRAINAGE & EROSION CONTROL PLAN IS TO MINIMIZE SEDIMENT LEAVING THE SITE, AND TO ENSURE THAT ANY SEDIMENT THAT DOES LEAVE WILL HAVE AN INSIGNIFICANT IMPACT DOWNSTREAM.
16. SITE MONITORING PRIOR TO AND AFTER SIGNIFICANT STORM EVENTS SHALL BE MADE BY THE DEVELOPER, TO VERIFY THAT THE EROSION CONTROL MEASURES ARE SATISFACTORY, AND TO DETERMINE IF ADDITIONAL MEASURES ARE REQUIRED IN ORDER TO ACHIEVE THIS PLAN'S GOAL.
17. ALL EARTHWORK AND GRADING SHALL BE COMPLETED IN ACCORDANCE WITH SECTION 19 OF CALTRANS SPECIFICATIONS, LATEST EDITION, AND SECTION 331-12 OF THE HUMBOLDT COUNTY LAND USE AND DEVELOPMENT ORDINANCE.
18. CUT SLOPES SHALL BE 2:1 MAXIMUM AND FILL SLOPES SHALL BE 2:1 MAXIMUM UNLESS OTHERWISE SHOWN HEREON.
19. CONTRACTOR TO PROVIDE BMPS AS REQUIRED IN APPENDIX B OF SWRCB ORDER NO. R1-2015-0023, II. STANDARD BMPS FOR CONSTRUCTION.
20. PLANT PERIMETER OF POND WITH VEGETATION PER #110, (E) WATER STORAGE AND USE, III BMPS FOR SITE.
21. POND LINER SHALL BE 30 MIL. HDPE. INSTALLED PER MANUFACTURERS RECOMMENDATIONS.



VICINITY MAP

SCALE: 1" = 4,000'

DRAWING INDEX

SHEET	DRAWING
1	COVER / TITLE SHEET
2	UPPER & LOWER PONDS
3	CROSS SECTIONS

OWNER/APPLICANT

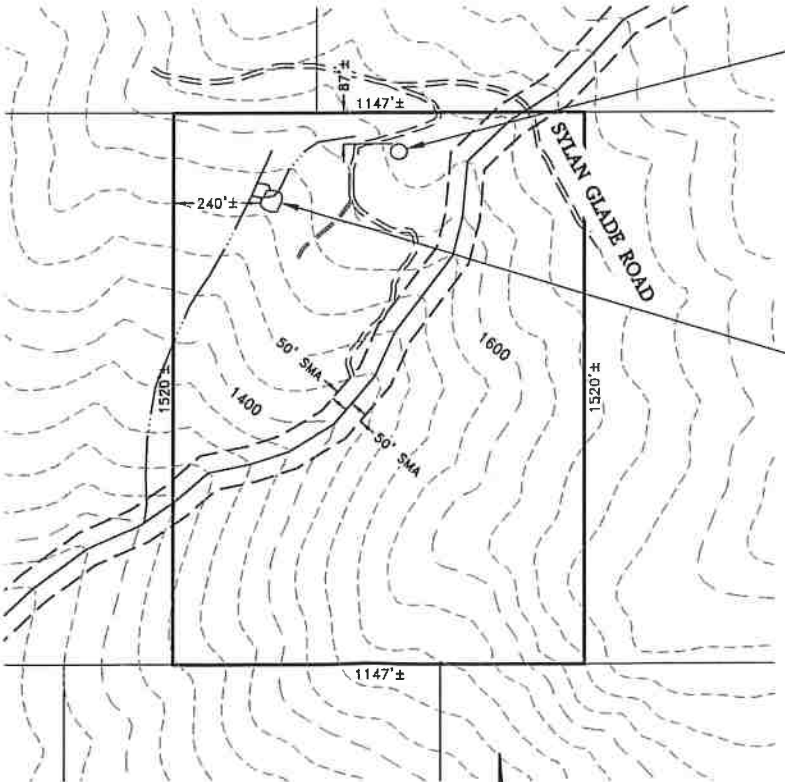
DAKOTA RINGO
P. O. BOX 238
BLOCKSBURG, CA 95514

UTILITIES

WATER	ON-SITE
SEPTIC	ON-SITE

LEGEND

SYMBOL	INDICATES
	DIRECTION OF SURFACE WATER RUNOFF/FLOW DIRECTION
(P)	PROPOSED
(E)	EXISTING
AGG.	AGGREGATE
HDPE	HIGH-DENSITY POLYETHYLENE
SRA	STATE RESPONSIBILITY AREA
	PROPOSED CUT
	PROPOSED FILL
C.Y.	CUBIC YARDS
RSP	ROCK SLOPE PROTECTION
SMA	STREAMSIDE MANAGEMENT AREA PER HUMBOLDT COUNTY GIS
BMP	BEST MANAGEMENT PRACTICES
SWRCB	STATE WATER RESOURCES CONTROL BOARD
NRM	NATURAL RESOURCE MANAGEMENT, INC.
1400	CONTOURS AT 40 FOOT INTERVALS
	STRAW WATTLE



LOCATION MAP

SCALE: 1" = 500'



Stephen G. Nesvold
STEPHEN G. NESVOLD, P.E.
R.C.E. 25681
3/6/19
DATE

APN 217-401-002

GRADING, DRAINAGE & EROSION CONTROL PLAN

DAKOTA RINGO

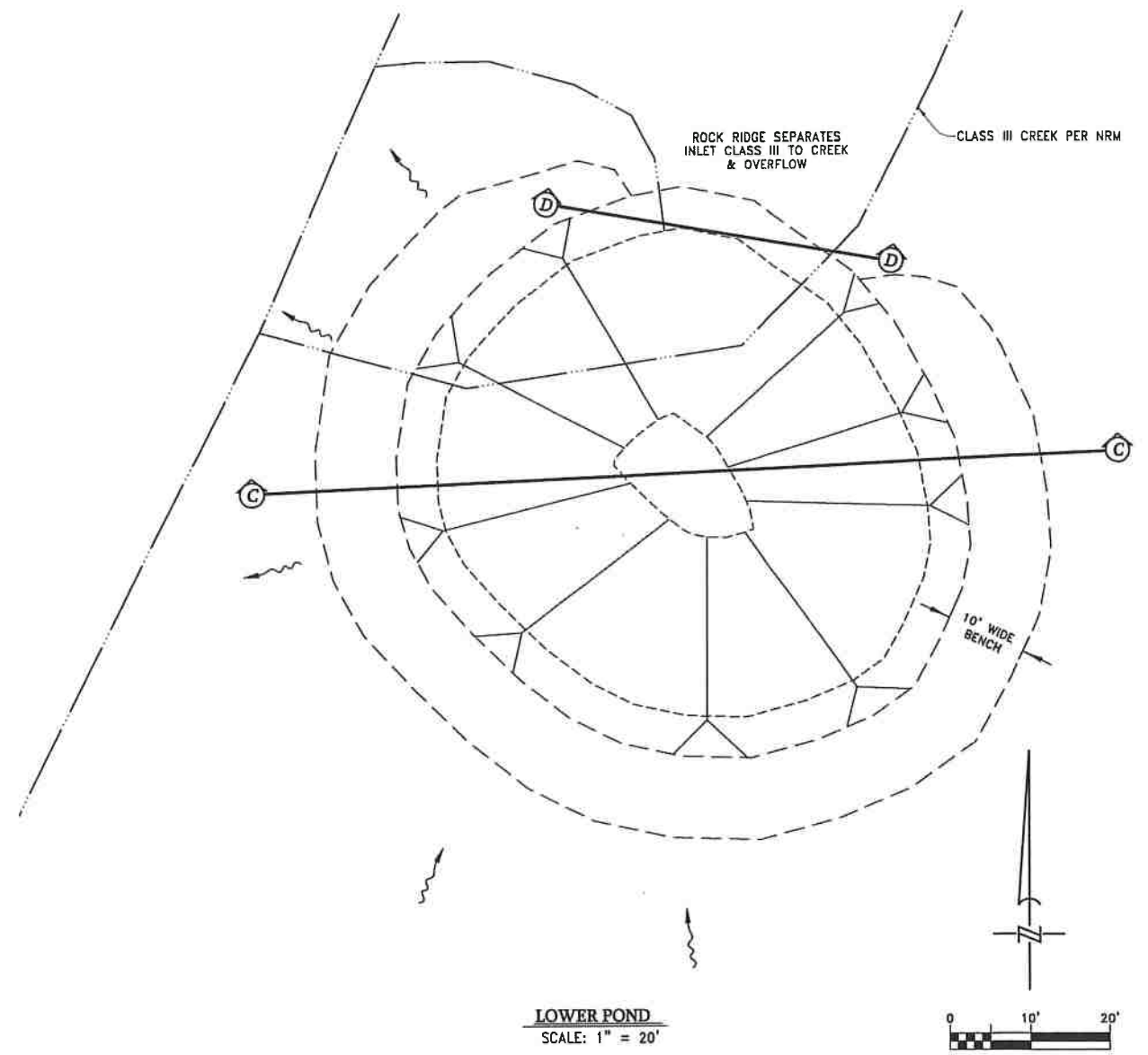
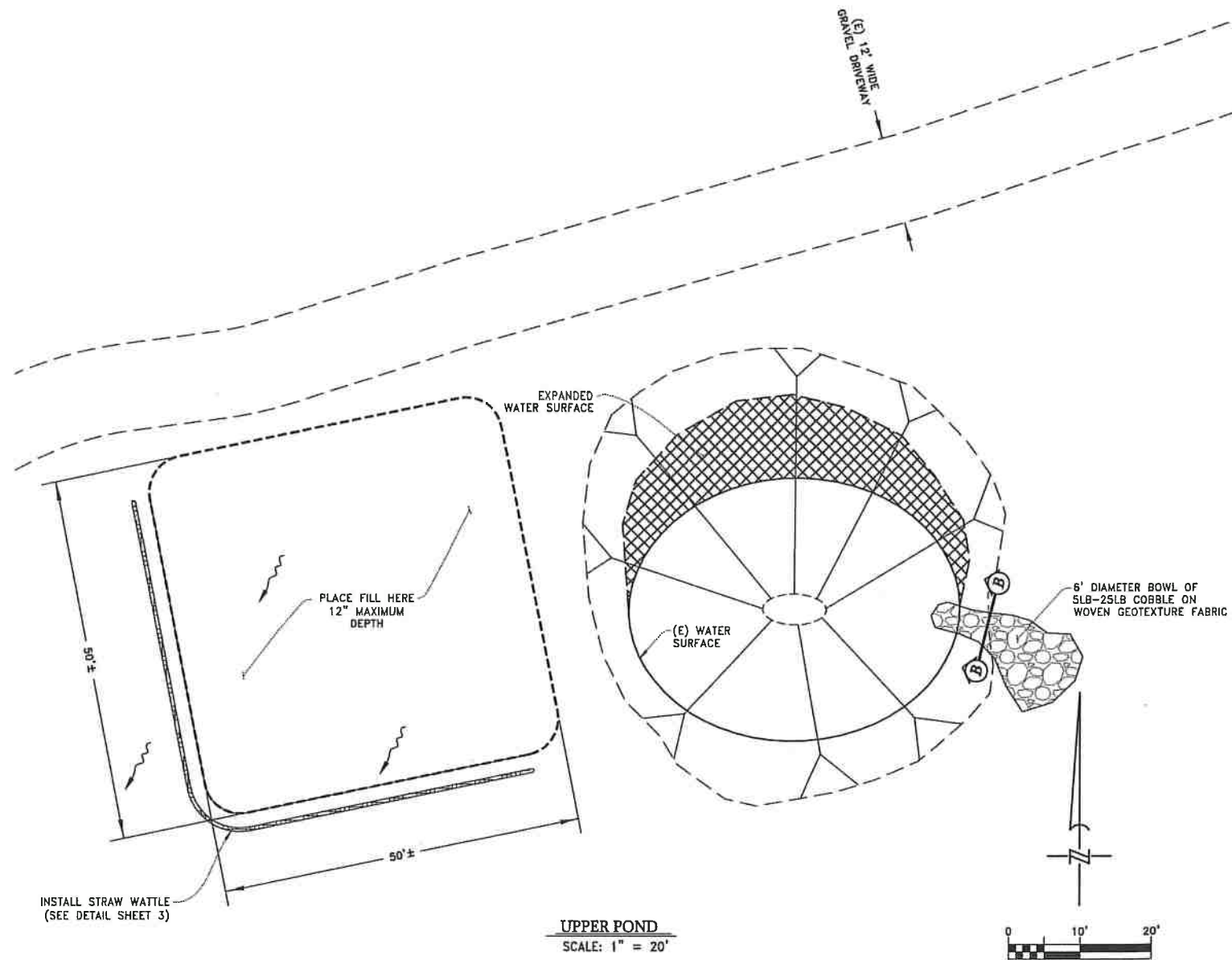
In the unincorporated area of Humboldt County
Section 24, T.2S., R.4E., H.B.&M.

SCALE	AS SHOWN
JOB NO.	19-1879-1
SHEET	OF
3	3

NO.	REVISION	DATE	BY
1	DESIGNED BY	SGN	02/01/19
2	DRAWN BY	CWB	02/01/19
3	CHECKED BY	SGN	03/06/19



0:\Projects_Civil\19-1879-1_Ringo.dwg 3/6/2019 11:38 AM



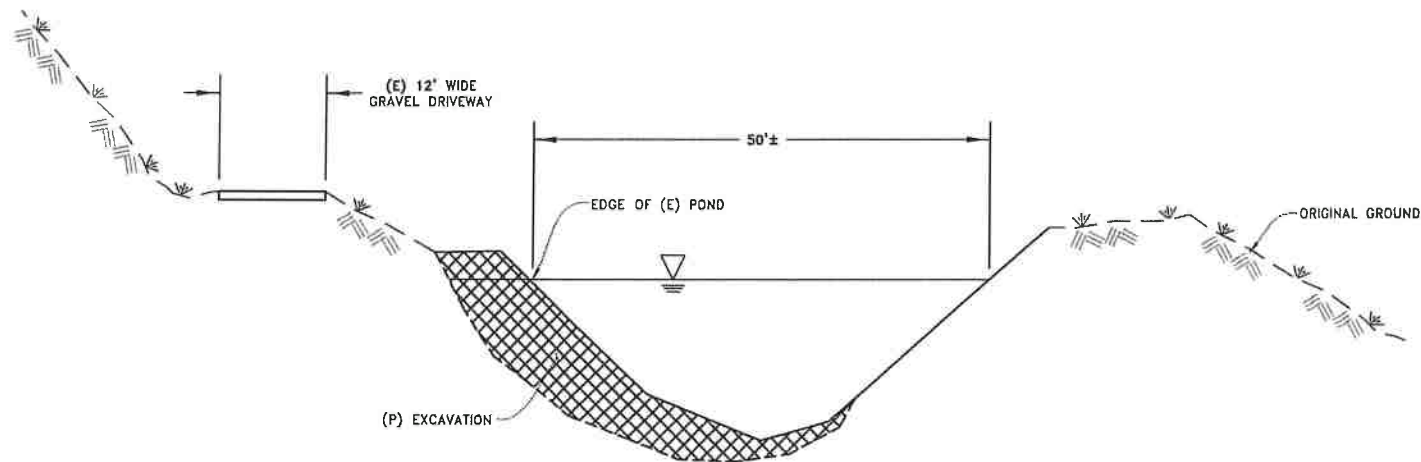
NO.	REVISION	DATE	BY

OMSBURG & PRESTON
434 7th Street
Eureka, California
95501
Telephone
(707) 443-9851
SURVEYORS PLANNERS ENGINEERS

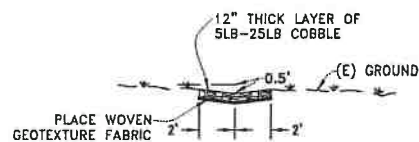
DESIGNED BY: SGN
DRAWN BY: CWB
CHECKED BY: [Signature]
DATE: 02/01/19
DATE: 02/01/19
DATE: 3/6/19
STEPHEN G. NEUVOLD RCE: 25681

APN 217-401-002
UPPER & LOWER PONDS
for
DAKOTA RINGO
In the unincorporated area of Humboldt County
Section 24, T.2S., R.4E., H.B.&M.
Page 31 of 3

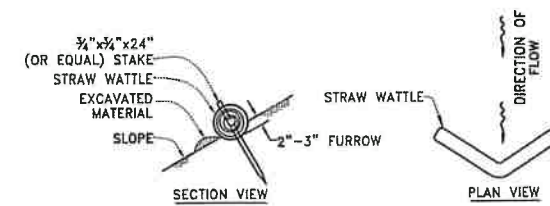
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SHEET 31
OF 3



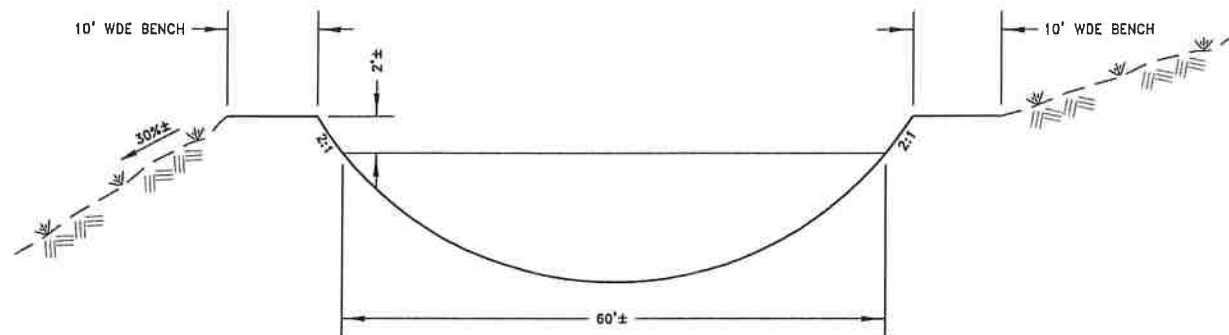
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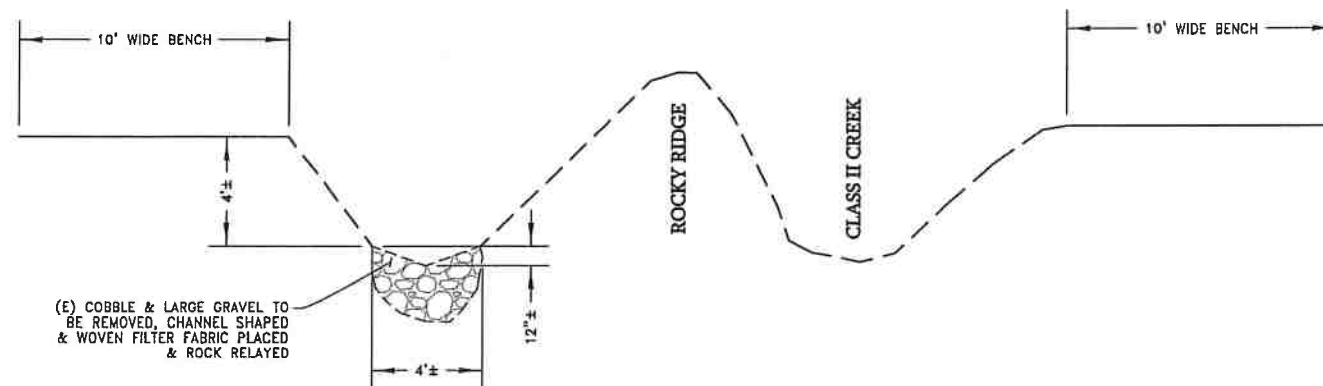
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STRAW WATTLE DETAIL
NOT TO SCALE



SECTION 'C-C'
NOT TO SCALE



SECTION 'D-D'
NOT TO SCALE

NO.	REVISION	DATE	BY

OMBERG & PRESTON

454 7th Street
Eureka, California
90501

SURVEYORS

Telephone
(707) 443-0051

PLANNERS

ENGINEERS

DESIGNED BY: SSN
DRAWN BY: CWB
ENGINEER OF WORK: *Stephen G. Nesvold*

DATE: 02/01/19
DATE: 02/01/19
DATE: 2/6/19

STEPHEN G. NESVOLD RCE: 25687

SCALE: AS SHOWN

CROSS SECTIONS

for
DAKOTA RINGO
in the unincorporated area of Humboldt County
Section 24, T.2S., R.4E., S.B.M.

APN 217-401-002

Page 32 of 3

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	✓	Approval	Attached
Calfire	✓	Standard Response	Attached
Public Works Land Use Division	✓	Further review	Attached
Department of Fish & Wildlife	✓	Comments	Attached Follow-up County correspondence also attached
Division Environmental Health	✓	Conditional Approval	Attached
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
RWQCB		No Response	
Southern Humboldt Joint Unified School District		No response	
Humboldt County Sheriff		No response	
NWIC	✓	Further Study	Confidential and on file
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	Confidential and on file



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



6/2/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Next Gen Farms, Inc. **Key Parcel Number** 217-401-002-000

Application (APPS#) 10813 **Assigned Planner** Joshua Dorris (707) 445-7541 **Case Number(s)** CUP16-070

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

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

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

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

Return Response No Later Than 6/17/2017

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: 6/19/17

PRINT NAME: Ian Mion

6/19/17

I.M.

plot plan appears complete

plan of operations submitted

site was used for cultivation in the past

cannabis starts on site at time of inspection

submit building plans for all proposed and unpermitted structures

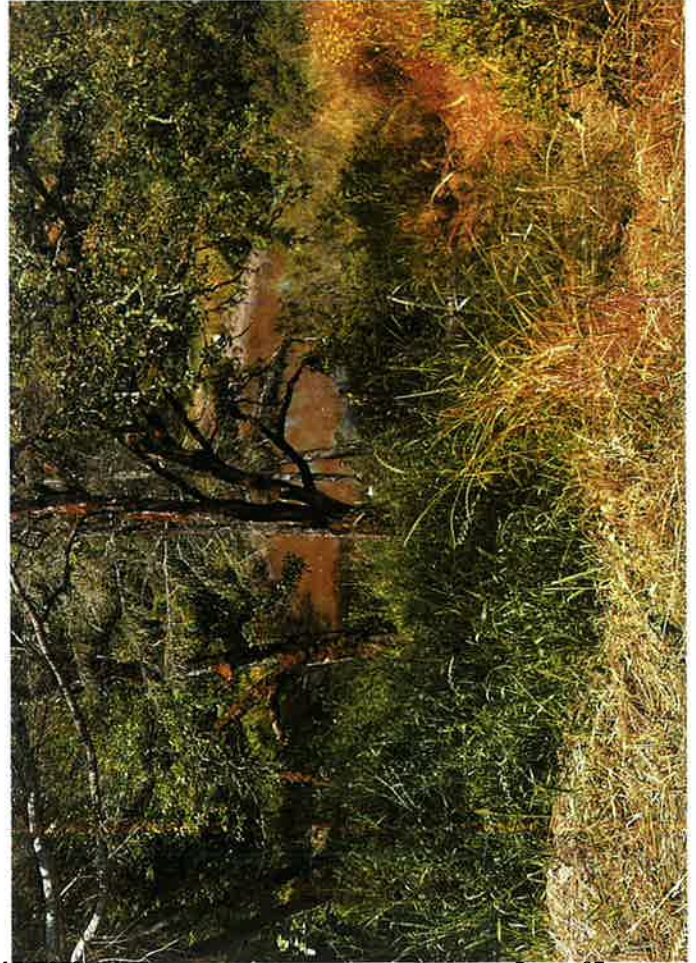
water to come from (2) manmade rainwater catchment ponds and (1) 20,000 gallon

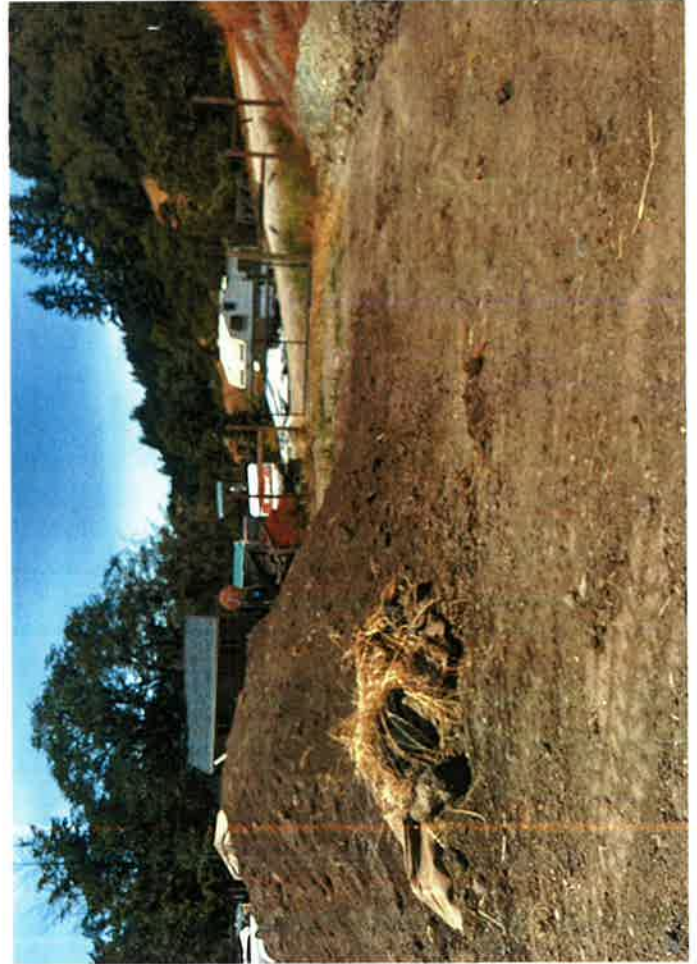
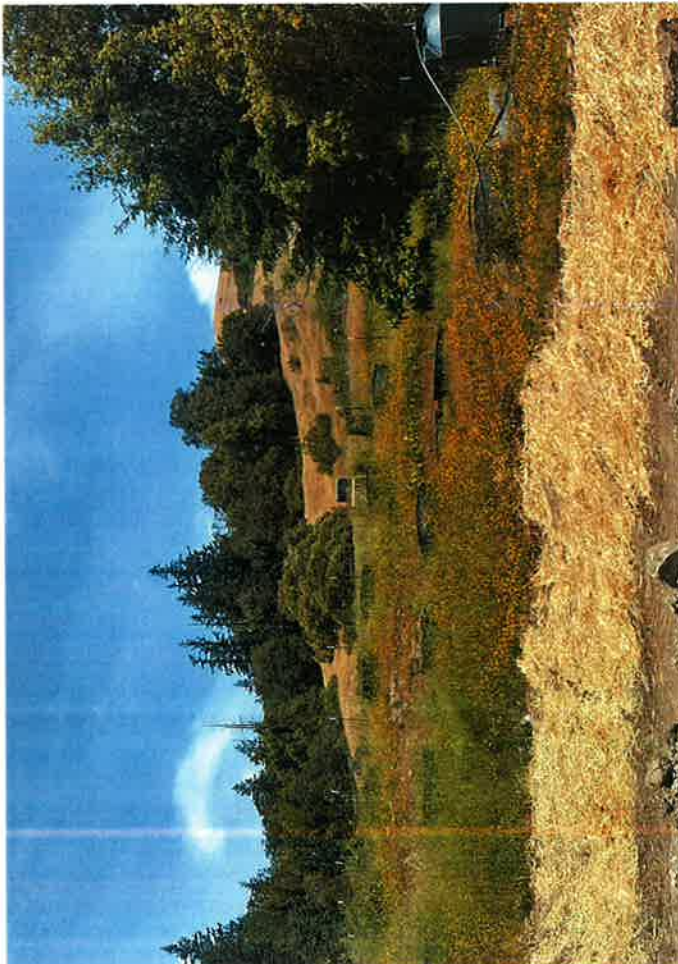
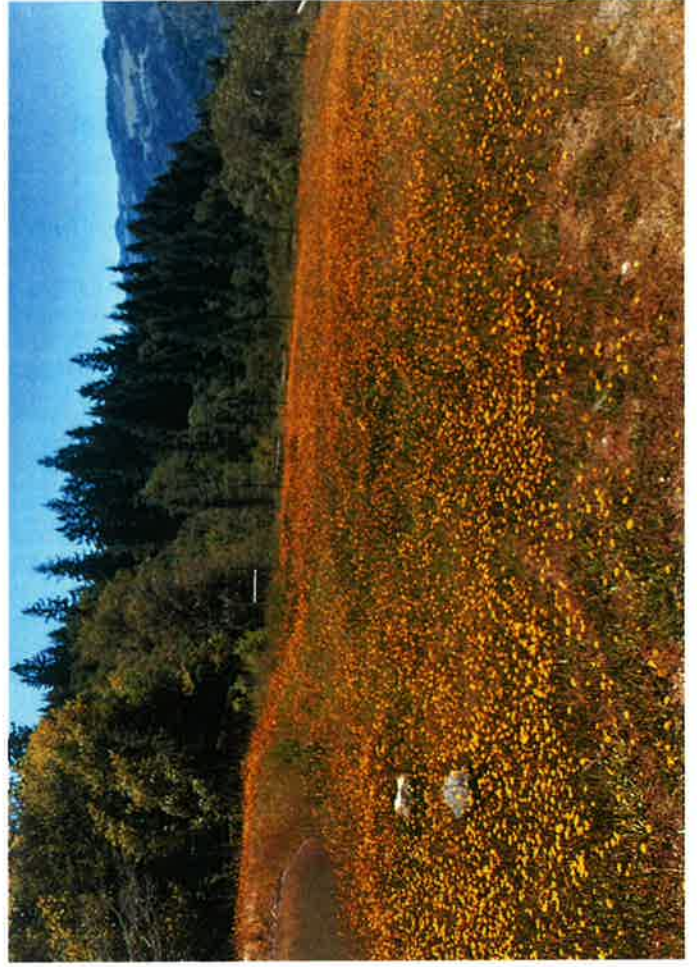
bladder on site

no electrical or plumbing at this time

declare amount of grading in cubic yards









From: Salazar, Kim@CALFIRE [<mailto:Kim.Salazar@fire.ca.gov>]
Sent: Monday, June 05, 2017 10:57 AM
To: Moxon, Delilah
Subject: CANNABIS, APN #217-401-002-000

STATE OF CALIFORNIA—THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540

Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: June 5, 2017

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

Attention: Joshua Dorris
Applicant: Next Gen Farms, Inc.
APN: 217-401-002-000
Area: Blocksburg
Case Numbers: CUP16-070

Humboldt County Application #: 10813
Type of Application: Conditional Use Permit
Date Received: 6/5/2017
Due Date: 6/17/2017

Project Description: Conditional Use Permit for an existing commercial medical cannabis cultivation project totaling approximately 27,8900 square feet (SF) occurring in three (3) areas on the parcel: Area 1 consists of approximately 8,500 SF of outdoor; Area 2 consists of approximately 14,800 SF of outdoor; and Area 3 consists of approximately 4,500 SF of outdoor. There also is a cultivation area that is approximately 3,000 SF in size that is proposed to be relocated to the northern portion of the site. This would bring the total cultivation area to approximately 30,800 SF. Irrigation water is provided by two (2) rainwater catchment ponds, one (1) 260,000 gallons and the other 215,000 gallons. Total storage is 495,000 gallons including the ponds and one (1) 20,000 gallon bladder. The parcel is enrolled with the Water Board as a Tier II discharger. There is a Water Resource Protection Plan prepared for the parcel. There is an existing residence on-site served by a septic system. There would be two (2) harvests per year. Ancillary processing would be conducted in existing out-buildings by family members with no employees.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project.

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire

services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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: Joshua Dorris, Planner II, Planning & Building Department

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

DATE: 06/23/2017

RE: NEXT GEN FARMS, INC., APN 217-401-002, CUP16-070, APPS# 10813

The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

ROADS: The Department has not conducted a field investigation of the roadway(s) serving the subject property. The roadway(s) serving the subject property may or may not meet road category 4 standards. The road(s) may or may not have capacity to accommodate the proposed use. Prior to the project being presented to the Planning Commission (or Zoning Administrator) for approval, the applicant shall submit a Road Evaluation Report pursuant to County Code Section 313-55.4.11(u)(viii) "description of increased road use resulting from processing and a plan to minimize that impact". The Department has developed the attached Road Evaluation Report forms that are to be used.

See the attached diagram of the road(s) that need to be evaluated. The Department has used its best judgement to determine the offsite road(s) that would most likely be used for the project. If this is not the correct route that would be used, please contact the Department for clarification before preparing the *Road Evaluation Report*.

In general, road(s) must meet Category 4 road standards in being at least 20 feet in width when 2-way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the cannabis operation and when no other parcels of land use the road for access.

Access roads not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, etc); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

The Department recommends that the Road Evaluation Report be submitted to the County prior to the project being presented to the Planning Commission for approval.

The subject property is located within the State Responsibility Area.

The intersection of the existing access road, Homestead Road, and the County road, Alderpoint Road, does not meet County standards. Prior to commencing operations, the access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the access road encroachment be paved for a minimum width of 20 feet and a length of 50 feet. [References: County Code Sections 341-1, 411-51]

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]

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

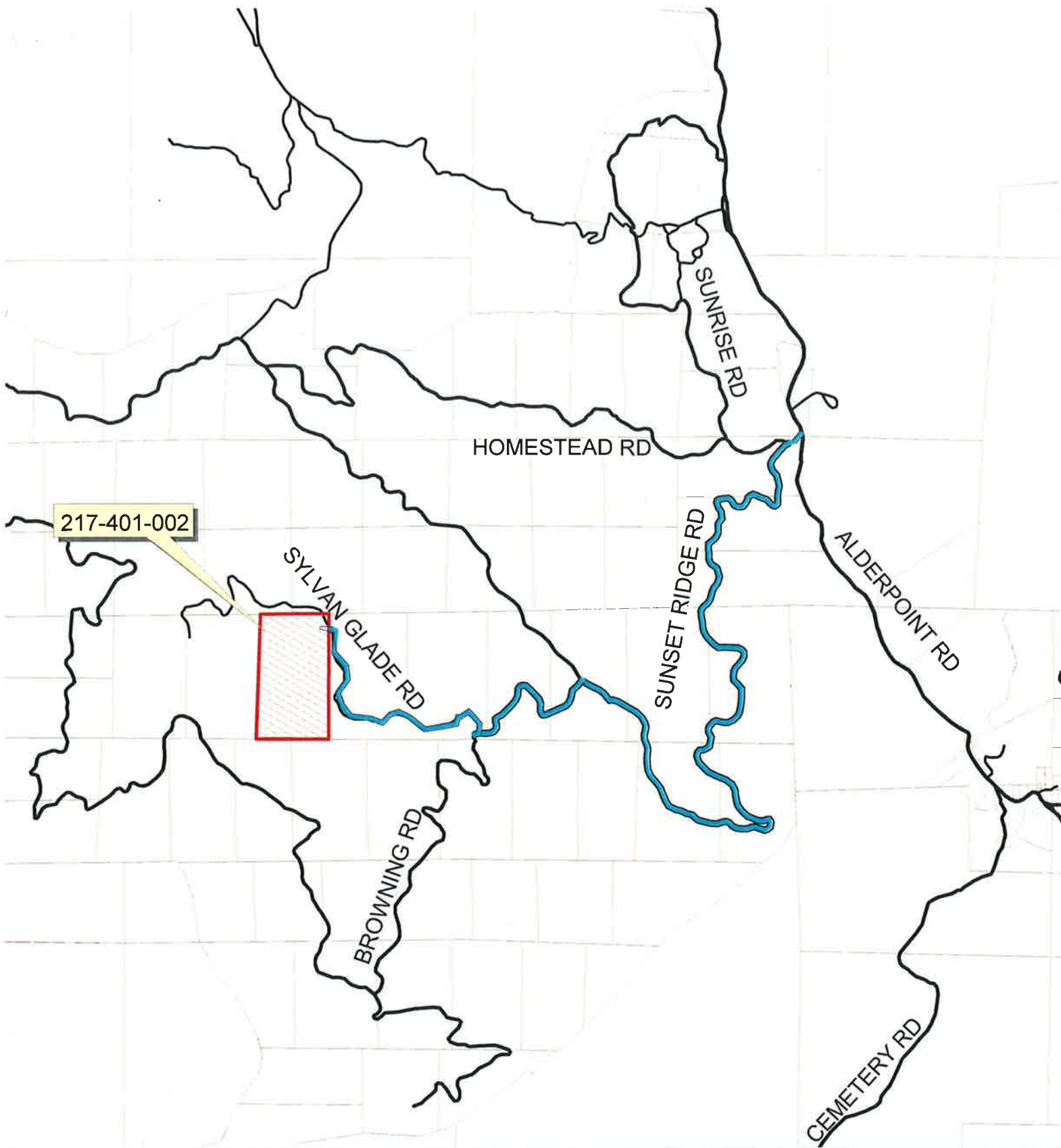
DRIVEWAYS: The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

AIRPORT: The subject property is not located near a public airport.

DEFERRED SUBDIVISION IMPROVEMENTS: The subject property does not have any deferred subdivision improvements that have not been fulfilled.

ADJACENT COUNTY OWNED PROPERTY OR FACILITIES: The proposed project does not have any impact on any adjacent county owned property or facilities.

// END //



Humboldt County Department of Public Works - Land Use Division Diagram of road(s) that need to be evaluated

Planning & Building Department File/Case No.: CWP16-070



1000 0 1000 2000 Feet

RF -- 1:24000

Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.



Indicates the project area



Indicates the access road(s) that need to be evaluated

Zoellner, Brienna

From: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Sent: Friday, April 24, 2020 7:17 AM
To: Hilton, Keenan
Cc: Bocast, Kalyn@Wildlife; O'connell, Gregory@Wildlife
Subject: RE: Blocksburg Family Farms, LLC 217-401-002 10813
Attachments: 1600-2018-0329-R1_HUM_MJ Ringo Water Diversions & Pond - Basin Crk_LSAAFinal.pdf

Keenan,
A final LSA has been executed.
Thanks

From: Hilton, Keenan <KHilton@co.humboldt.ca.us>
Sent: Thursday, April 23, 2020 3:29 PM
To: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>; Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Cc: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Subject: Blocksburg Family Farms, LLC 217-401-002 10813

Warning: This email originated from outside of CDFW and should be treated with extra caution.

Greetings,

Thank you for providing comment on this project on June 13, 2017. What follows is how I plan to incorporate your recommendations into the staff report. You will find some updated materials attached, if you care to review them.

- One pond is on-stream.
- Submittal of a Final 1600 agreement will be a condition of project approval.
- The applicant has reduced their application to 11,650 sf outdoor cultivation which the county is prepared to support.

Standard conditions that I intend to apply:

- bullfrog management plan
- appropriate storage/disposal of waste
- prohibition of monofilament netting
- leave wildlife unharmed
- Dark Sky Standards
- 60 dB at property line

Thank you,
Keenan



Keenan Hilton
Planner II, Cannabis Services Division
[Planning and Building Department](#)
707.268.3722

From: [Bocast, Kalyn@Wildlife](mailto:Bocast.Kalyn@Wildlife)
To: [Dorris, Joshua](mailto:Dorris.Joshua)
Cc: [Planning Clerk](mailto:Planning.Clerk); [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Subject: Next Gen Farms Inc. Conditional Use Permit Application-APPS 10813
Date: Tuesday, June 13, 2017 2:48:21 PM

Hello Joshua,

Thank you for referring the Next Gen Farms Inc. Conditional Use Permit application (APPS 10813, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The project consists of 27,800SF of existing outdoor cannabis cultivation in four areas on APN 217-401-002. Water is sourced from two rainwater catchment ponds, one 260,000 gallon pond, and one 215,000 gallon pond. Total storage is 495,000 gallons including the ponds and one 20,000 gallon bladder.

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

- The referral materials state that water, for cannabis cultivation, will be sourced from two rainwater catchment ponds. It appears that one of the ponds may be hydrologically connected to surface water source. Surface water sources (streams, springs, and hydrologically connected wells and ponds) are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602. CDFW recommends as a condition of project approval, that the applicant obtain a Final Lake or Streambed Alteration Agreement.
- The referral materials state that the applicant contains 27,800 square feet of existing outdoor cannabis cultivation. Aerial Imagery suggests that the existing cultivation area, prior to January 1, 2016, is no more than 10,000 square feet. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.
- This project has the potential to affect sensitive fish and wildlife resources such as Chinook salmon (*Oncorhynchus tshawytscha*), steelhead trout (*O. mykiss*) and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at Kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077



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



Received by DEH
6-5-17

PROJECT REFERRAL TO: Health and Human Services Environmental
Health Division

16/17-1246

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Next Gen Farms, Inc. **Key Parcel Number** 217-401-002-000

Application (APPS#) 10813 **Assigned Planner** Joshua Dorris (707) 445-7541 **Case Number(s)** CUP16-070

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve cultivation staff for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite septic serving the dwelling.

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

Response Date: 7/20/2017 **Recommendation By:** Mario Kalson

