



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

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Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: September 17, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Grindstone Ridge Gardens, LLC, Zoning Clearance Certificate and Special Permits**  
Record Number: PLN-12198-ZCC  
Assessor's Parcel Number: 221-051-007 and 221-061-017

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Please contact Liza Welsh, Planner, at 707-445-7541 or by email at [lwelsh@co.humboldt.ca.us](mailto:lwelsh@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	Zoning Clearance Certificate and Special Permits	Liza Welsh

**Project Description:** A Zoning Clearance Certificate (ZCC) for 5,000 square feet of existing outdoor cannabis cultivation, a Special Permit for use of a point of diversion for cannabis irrigation, a Special Permit for restoration activity within a Streamside Management Area, including the removal of legacy vehicles and tires within a stream channel, and a Special Permit for a reduced setback from public lands managed by the Bureau of Land Management. Cannabis is cultivated outdoors in full sun. The water for the project is a point of diversion. Water will be stored in hard tanks and in a proposed pond. Existing and proposed tanks will have a combined 356,600 gallons of water storage capacity designated for cannabis irrigation. A second pond of 100,000 gallons is proposed for fire suppression. The applicant's estimated annual water use is approximately 98,000 gallons. Power is provided by solar arrays and a generator is used in October and November to power the structure used for drying. Processing occurs offsite at a licensed third-party facility. The project is family-operated, and no employees work on site.

**Project Location:** The project is located in Humboldt County, in the Ettersburg area, on the West side of Thomas Road, approximately 1 miles West from the intersection of Dickson Butte Lane and Thomas Road, and approximately .7 miles from the intersection of Thomas Road and a Private Drive on the property known to be in Section 8 of Township 03 South, Range 02 East, Humboldt Base & Meridian.

**Present General Plan Land Use Designation:** Residential Agriculture (RA-40), Humboldt County General Plan (GP), Density: 40 acres per dwelling unit, Slope Stability: Moderate Instability (2) and High Instability (3)

**Present Zoning:** Unclassified (U)

**Record Number:** PLN-12198-ZCC

**Assessor Parcel Number:** 221-051-007 and 221-061-017

**Applicant**

Grindstone Ridge Gardens, LLC,  
J. John Miller Jr.  
PO Box 1536  
Redway, CA 95560

**Owner**

J John Miller Jr.  
PO Box 1536  
Redway, CA 95560

**Agent**

Same as Applicant

**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.

**GRINDSTONE RIDGE GARDENS, LLC**  
Record Number: PLN-12198-ZCC  
Assessor's Parcel Number: 221-051-007 and 221-061-017

**Recommended Zoning Administrator Action:**

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

*Move to accept staff's recommendation allowing for continued cultivation of 5,000 square feet of existing outdoor commercial cannabis cultivation, a Special Permit for use of a point of diversion for cannabis irrigation, a Special Permit for restoration activity within a Streamside Management Area, including the removal of legacy vehicles and tires within a stream channel, and a Special Permit for a reduced setback from public lands managed by the Bureau of Land Management, find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Zoning Clearance Certificate and Special Permits based on evidence in the staff report and any public testimony, and adopt the Resolution approving the Grindstone Ridge Gardens, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** The proposed Zoning Clearance Certificate and Special Permits would allow the continued cultivation of 5,000 square feet of existing outdoor cultivation, an ancillary drying and storage building, and ancillary structures on a 120.68acre (assessed lot size) legal parcel in the Ettersburg area. This commercial cannabis activity is authorized by Sections 314-55.4.8.2.2 of the Commercial Marijuana Medical Cannabis Land Use Ordinance (CMMLUO). The application meets the requirements of zoning, siting criteria (55.4.8.2, 55.4.6.4.2, 55.4.11(d)), setbacks from property lines and listed incompatible uses (e.g., schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CMMLUO (55.4.10) With the requested Special Permits, the application will meet the requirements of setbacks from Streamside Management Areas and public lands.

A review of historic imagery using Google Earth indicates that in 2014 there was 9,919 square feet of outdoor cannabis cultivation on the property. At the applicant's request, this is a request for a Zoning Clearance Certificate for 5,000 square feet of outdoor cannabis cultivation, to be grown in full sun. The historic cultivation area does not meet requirements for approval as it is within 50 feet of a Class III watercourse and is within 30 feet of the property line between APNs 221-051-007 and 221-061-017. Relocation of the cultivation area to an environmentally superior location on the subject parcel is proposed. The relocation area meets the requirements for setbacks from watercourses and property lines found in the CMMLUO. While the existing historic cultivation area is on slopes of greater than 25% in an area classified as having high geologic instability, the proposed relocation area has slopes of 5-10% and is in an area classified as having moderate instability. Going forward, the historic cultivation area, which is next to the applicant's residence, will be used for domestic vegetable cultivation or will be reseeded with native grasses.

Relocation of the cultivation area will reduce the potential of irrigation runoff and sediment delivery to watercourses on the site and is recommended by the Department. Because the relocation area is within 600-feet of lands managed by the Bureau of Land Management as part of the King Range National Wilderness, a Special Permit for a reduced setback is needed. A vegetated buffer is maintained between the cultivation area and the adjacent public lands, the cultivation area will be secured with fencing and a metal locked gate, and the power source for the project is a solar array. The project, as conditioned, will not interfere with the use or management of the public lands. See the Public Lands Performance Standard finding for more information.

The parcel includes various structures and features used ancillary to the cannabis cultivation including an existing drying shed, an existing 25,500-gallon steel rainwater catchment tank, a proposed fertilizer and pesticide storage shed, a proposed composting area, a proposed 200,000-gallon rainwater catchment pond to be used for cannabis irrigation, and a proposed 100,000-gallon pond to be used for fire

suppression. Conditions of approval for the project require the applicant to obtain permits from the Building Division for all fences great than 6-feet in height, all graded areas, the drying/storage building, the solar array, all structures with a nexus to cannabis of greater than 120-square feet, the 25,500-gallon steel water tank, the proposed ponds, and all other features with a nexus to cannabis over which the Building Division has regulatory authority. If areas cannot be permitted, the applicant will be required to modify the permit with an alternate proposal.

The site also includes features with no nexus to the cannabis use including a residence, associated water diversion, storage, and conveyance infrastructure, a well, a guest house, a 40'X 40' shop, a 10'X 20'goose coop, a 12'X 12'laundry room, and other associated storage sheds and outbuildings. These are neither considered nor authorized under the subject permits.

The applicant anticipates one cycle per year. Water for cannabis irrigation is sourced from a point of diversion and is stored in hard tanks on the subject parcel. There is 126,600 gallons of water storage capacity on the site in hard tanks currently. An additional 230,000 gallons of water storage capacity is proposed in the form of 200,000-gallon rain catchment pond and 6 additional hard tanks. The combined existing and proposed water storage capacity will be 356,600 gallons. Water is delivered to the cannabis plants via hand watering. The applicant's estimated annual water use is 98,000 gallons per year. The applicant holds a Right to Divert and Use Water for Cannabis Irrigation (Certificate H100200) and a Streambed Alteration Agreement covering the point of diversion (Notification # 1600-2019-00759-R1). Per the Streambed Alteration Agreement, use of the point of diversion is subject to forbearance requirements, including a maximum diversion rate of 3 gallons per minute (gpm), a bypass flow requirement of 90% at all times, and a seasonal diversion minimization between May 15 and October 31 of each year. Additionally, a meter shall be installed within the flow of diverted water and the applicant shall maintain records of diversion. Additional requirements apply to the design and placement of the intake structure. Conditions of project approval require the applicant to adhere to the terms, forbearance requirements, and reporting requirements of the Streambed Alteration Agreement and any future Streambed Alteration Agreements.

Harvested cannabis will be dried onsite in an existing structure and processed offsite. Should the applicant decide to Modify the permit in the future to process onsite, the structure to be used for processing will require a commercial building permit and must include an ADA restroom and an Onsite Wastewater Treatments System (OWTS) approved by the Department of Environmental Health. The project was reviewed by the Department of Environmental Health, which recommended approval with the condition that the composting toilet or pit privy shown on the Site Map be either decommissioned and restored or permitted through the Department of Environmental Health. Should the applicant opt to hire employees in the future, the applicant must either permit the composting toilet and pit privy, or provide portable toilets for employee use with invoice or equivalent documentation provided to DEH annually, or must establish an ADA accessible restroom on the subject parcel that is connected to an approved Onsite Wastewater Treatment System.

Power to the cannabis operations on the subject parcel is provided by an existing solar array. During the months of September and October, a generator is also used to supply power to the structure used for drying and storage. Conditions of approval require the generator to be enclosed or otherwise muffled such that noise levels produced by the generator will remain below 50 decibels measured from 100ft or from the nearest tree line, whichever is closer.

The subject parcel is located off of an unnamed private road that is accessed via Upper Samuels Ranch Road, also known as a privately maintained section of Thomas Road. The applicant has submitted Road Evaluations for all segments providing access to the parcel and has reported that they either are Category 4 roads or can have the functional capacity of a Category 4 road capable of accommodating commercial traffic if certain improvements are implemented. The project was reviewed by the Public Works Department which recommended approval with the condition that the intersection between the privately maintained section of Thomas Road and the County-maintained section of Thomas Road be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This is included as an ongoing condition of project approval. Public Works also requested that the applicant pave the privately maintained section of Thomas Road for a minimum width of 20 feet and a length of 50 feet where it



intersects the County-maintained portion of Thomas Road. This work has already been completed by another applicant.

The project area on the subject parcel is characterized as a south facing mixed montane hardwood conifer forest. Elevation is approximately 2,120 to 2,680 feet. The BLM lands adjacent to the subject parcel are identified as critical habitat for Marbled Murrelet. A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting occurred approximately .09 miles from the subject parcel in 1993, and the nearest mapped Northern Spotted Owl activity center is approximately 1.25 miles away. However, no special status plants and no rare, threatened, or endangered species were observed within the project area, according to the Biological Reconnaissance Study prepared by Mother Earth Engineering. As no mature stands of trees are proposed for removal, and the project will have a low impact to Upland Douglas Fir Forest, a sensitive natural community. The nearest Marbled Murrelet habitat is approximately .07 miles away in the King Range National Conservation Area.

Although no comments were received from CDFW, the following conditions have been added to the project to protect local wildlife: The applicant will adhere to the terms, forbearance requirements, and reporting requirements established through their Streambed Alteration Agreement (1600-2019-0759-R1) or any future Streambed Alteration Agreements established for the parcel. The applicant will ensure that all cultivation-related noise sources are shielded and that decibel levels remain below 50 decibels at 100 feet from the noise source or at tree lines. The applicant will leave wildlife on the subject parcel undisturbed and will allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant will not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. All refuse will be contained in wildlife proof storage containers and will be disposed of at an authorized waste management facility. Finally, all security lighting will be motion activated and comply with International Dark sky Association Standards.

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

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

The Zoning Administrator could also decide that 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 Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use ordinance (CMMLUO). However, the Zoning Administrator may reach a different conclusion. In that case, the Zoning Administrator should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

**Record Number: PLN-12198-ZCC  
Assessor Parcel Numbers: 221-051-007 and 221-061-017**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Grindstone Ridge Gardens, LLC, Zoning Clearance Certificate and Special Permits request.**

**WHEREAS**, Grindstone Ridge Gardens, LLC, submitted an application and evidence in support of approving a Zoning Clearance Certificate for 5,000 square feet of existing outdoor cannabis cultivation with water supplied by a point of diversion, power provided by a solar array and a generator, off-site processing, and no employees; and

**WHEREAS**, Grindstone Ridge Gardens, LLC, submitted an application and evidence in support of approving a Special Permit for activity within Streamside Management Areas for the continued use of a point of diversion for cannabis irrigation.

**WHEREAS**, Grindstone Ridge Gardens, LLC, submitted an application and evidence in support of approving a Special Permit for activity within Streamside Management Areas for relocation of water tanks used for cannabis irrigation and for removal of legacy cars and tires in a streambed and restoration of their footprints.

**WHEREAS**, Grindstone Ridge Gardens, LLC, submitted an application and evidence in support of approving a Special Permit for a reduced setback from public lands managed by the Bureau of Land Management as part of the King Range Wilderness.

**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 Zoning Clearance Certificate and Special Permits (Record Number PLN-12198-ZCC); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on September 17, 2020.

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

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes the required findings in Attachment 2 of the Zoning Administrator staff report for Record Number PLN-12198-ZCC based on the submitted substantial evidence; and

3. Record Number PLN-12198-ZCC is approved as recommended and conditioned in Attachment 1.

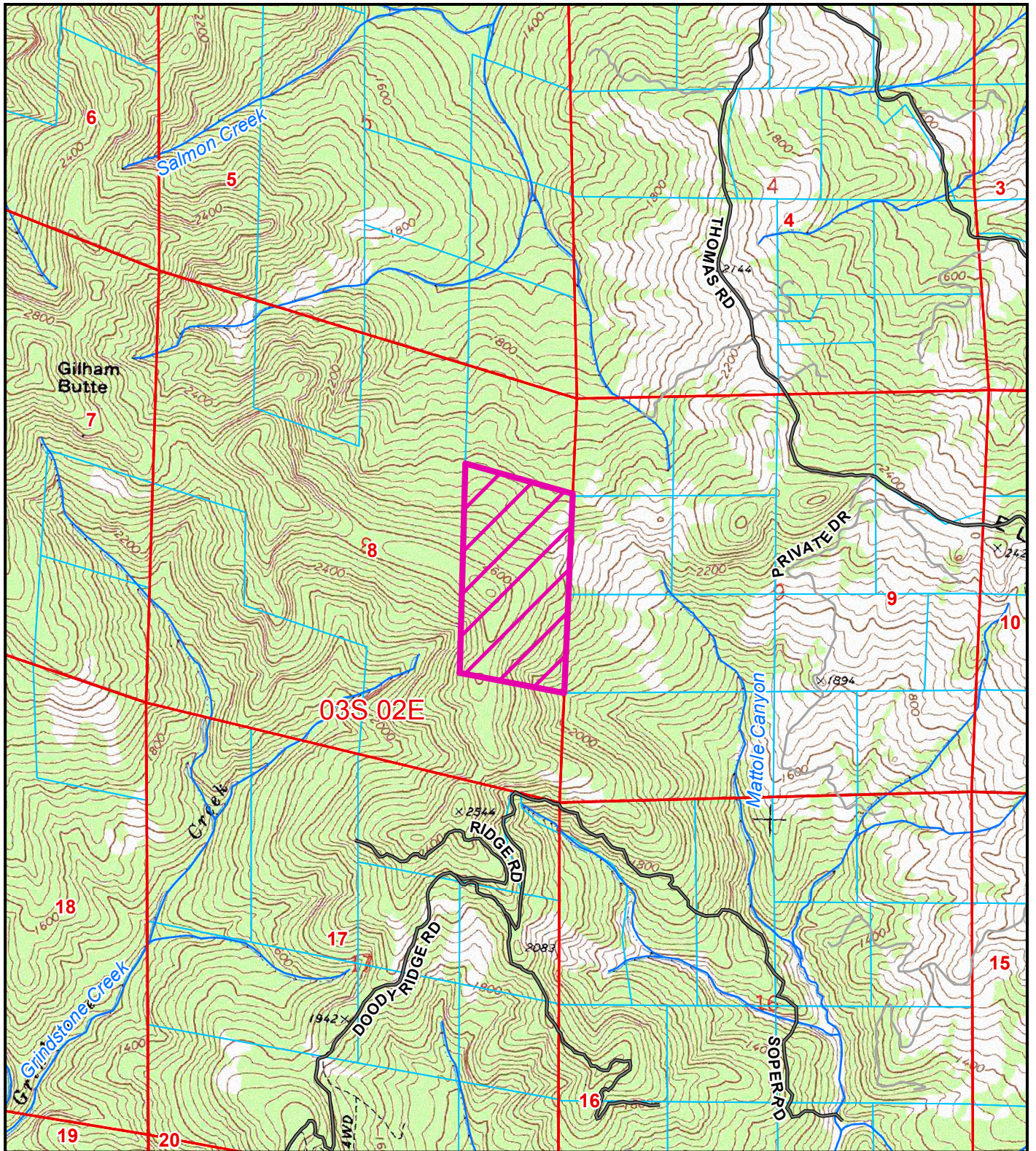
Adopted after review and consideration of all the evidence on September 17, 2020.

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

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John Ford, Director  
Planning and Building Department





Project Area = 

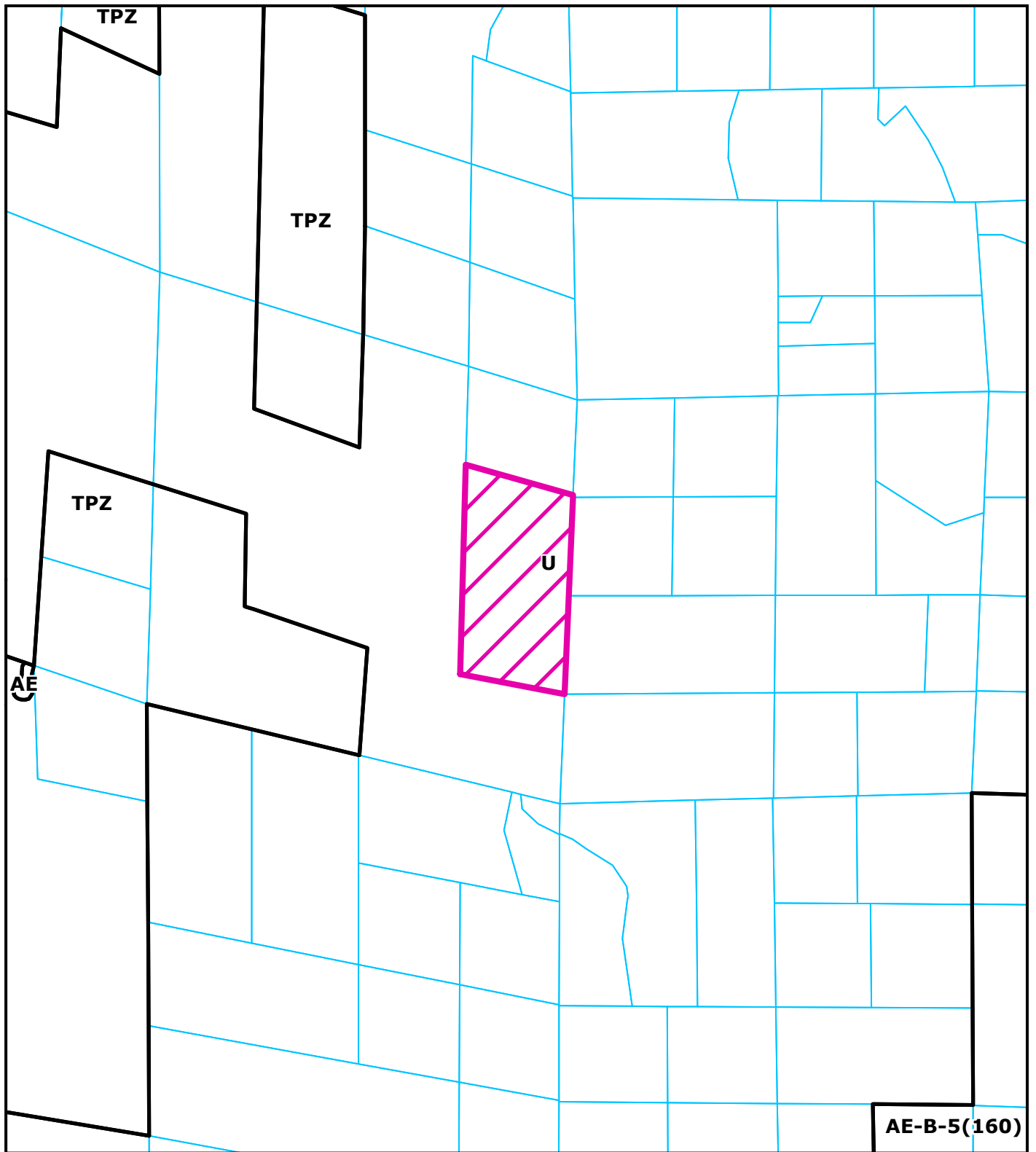
**TOPO MAP**  
**PROPOSED GRINDSTONE RIDGE**  
**ETTERSBURG AREA**  
**CUP-16-565**  
**APN: 221-051-007**  
**T03S R02E S8 HB&M (ETTERSBURG)**

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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Project Area = 

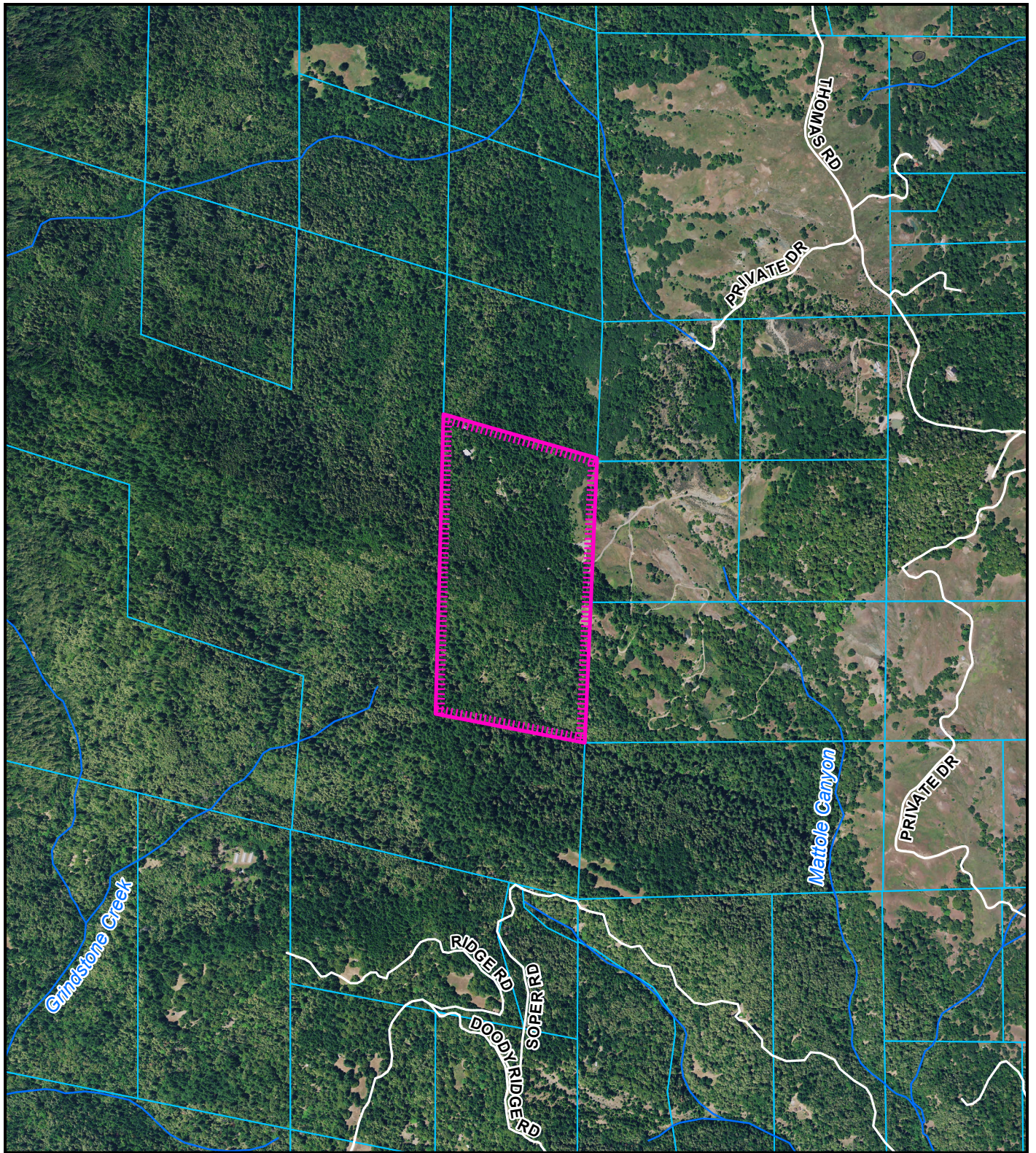
**ZONING MAP  
PROPOSED GRINDSTONE RIDGE  
ETTERSBURG AREA  
CUP-16-565  
APN: 221-051-007  
T03S R02E S8 HB&M (ETTERSBURG)**

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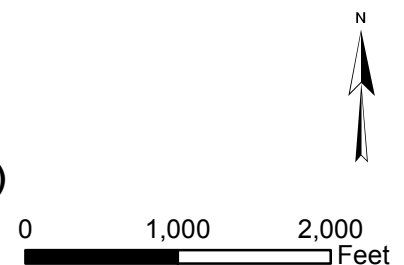




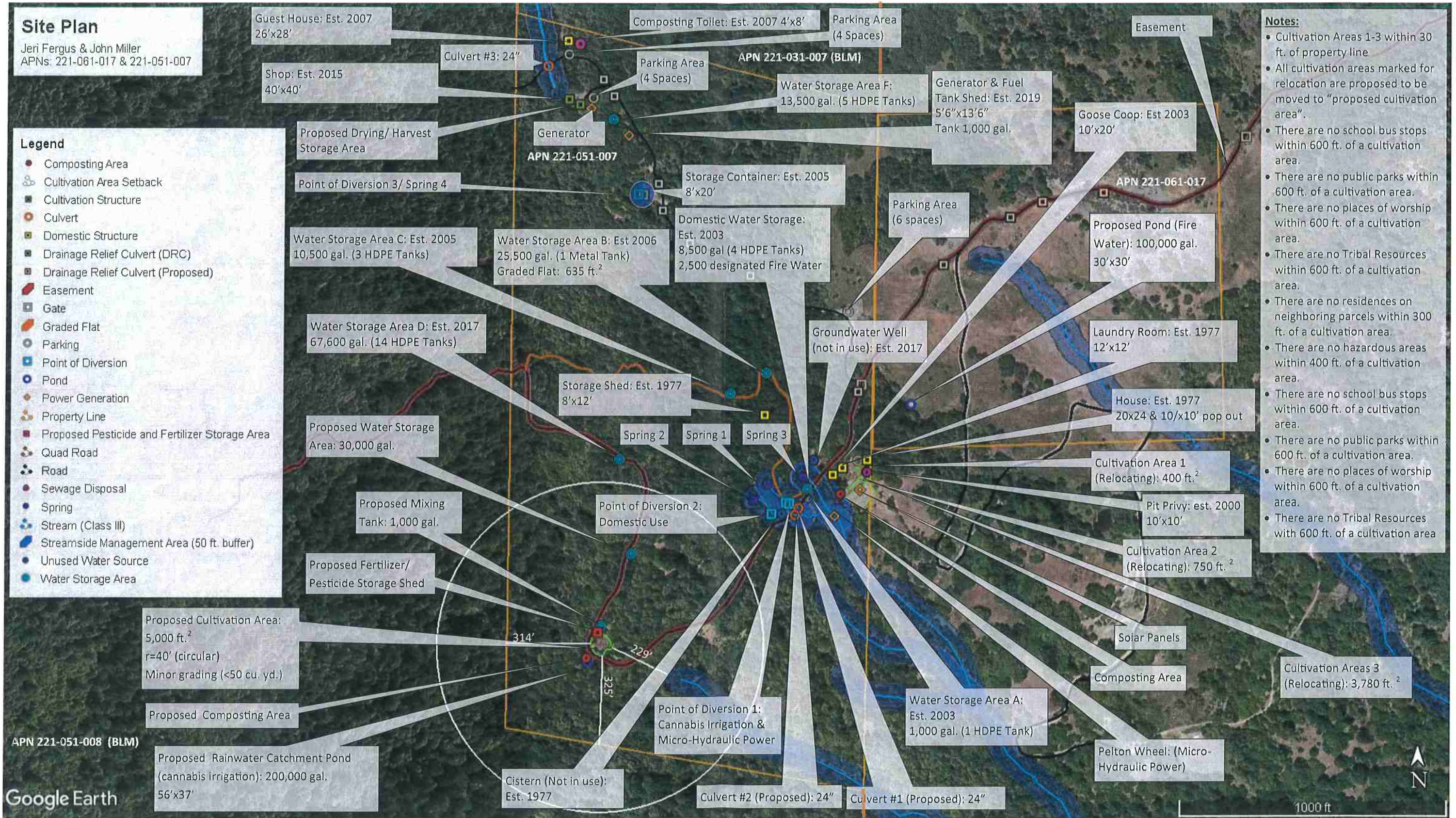
Project Area = 

**AERIAL MAP  
PROPOSED GRINDSTONE RIDGE  
ETTERSBURG AREA  
CUP-16-565  
APN: 221-051-007  
T03S R02E S8 HB&M (ETTERSBURG)**

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## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
2. 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.
3. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #4 –13. 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.
4. The applicant shall secure permits or applicable ag-exempt clearances for unpermitted grading or structures related to the cannabis cultivation and other commercial cannabis activity including all fences great than 6-feet in height, all graded areas where greater than 50 cubic yards of soil will be or were moved, the drying/storage building, the solar array, all structures with a nexus to cannabis of greater than 120-square feet, the 25,500-gallon steel water tank, the proposed ponds, and all other features with a nexus to cannabis over which the Building Division has regulatory authority. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
5. The applicant shall apply for and obtain an Address Assignment for APN 221-051-007 from the Planning and Building Department.
6. The applicant shall submit documentation demonstrating that their backup generator is contained or otherwise muffled such that noise levels remain at or below 50 decibels at 100 feet away while the generator is operating.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
8. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.



9. Per the Department of Environmental Health, the composting toilet and pit privy shown on the Site Map shall either be decommissioned and restored or permitted through the Department of Environmental Health. Should the applicant opt to hire employees in the future, the applicant must either permit the composting toilet and pit privy, or provide portable toilets for employee use with invoice or equivalent documentation provided to DEH annually, or must establish an ADA accessible restroom on the subject parcel that is connected to an approved Onsite Wastewater Treatment System.
10. The applicant shall record an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" from the Telegraph Ridge Fire Protection District on a form provided by the Humboldt County Planning Division.
11. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the report form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the third-party consultant verifying that all their requirements have been met will satisfy this condition.
12. The applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.
13. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The intersection of the privately maintained section of Thomas Road and the County-maintained section of Thomas Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
2. No ground disturbance is to occur within the boundaries of the cultural resource identified as "WRA 01-Borst Site", and the applicant shall adhere to heightened inadvertent discovery language. If any potential cultural resources are identified on the parcel, the applicant shall halt all activity within the site boundaries e and shall immediately notify the Bear River Band and the Planning Department. The applicant shall ensure that the resource is handled in accordance with recommendations provided by the Tribal Historic Preservation Officer of the Bear River Band. The applicant shall also adhere to the standard inadvertent discovery protocol found in the Informational Notes section.
3. Security lighting shall be motion activated and shall comply with International Darky Sky Standards.
4. 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.
5. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
6. 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.

7. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
8. 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.
9. 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).
10. Maintain enrollment with the State Water Board Cannabis Cultivation General Order (Order No. WQ 2019-0001-DWQ), if applicable, or any substantially equivalent rule that may be subsequently adopted by the State of California, County of Humboldt or other responsible agency.
11. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
12. 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).
13. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application and annual inspection fees.
15. To avoid the harassment of Marbled Murrelet or Spotted Owl species the noise produced by any generator, fans or dehumidifiers used for cannabis drying, curing, and processing shall not exceed 50dB as measured at 100 feet from the noise source or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
16. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
17. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
18. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
19. Noise from water pumps shall be contained and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, or whichever is closer.

20. 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.
21. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
22. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

23. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
24. 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).
25. 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.
26. 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.

27. 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.

28. 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.

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

30. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #29 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.

31. 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.

32. Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
- II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and

- III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.

33. 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.
34. 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 violation(s) 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 violation(s) 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 Condition of Approval #3 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #29 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

## ATTACHMENT 2

### REQUIRED FINDINGS FOR APPROVAL

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Residential Agriculture (RA):</b> This plan designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying entities are reflective of land capabilities and/or compatibility issues.</p> <p>Density is 40 acres/unit. The RA-40 designation is applied to more remote-steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p>	<p>The Applicant proposes the continued operation of an existing commercial cannabis cultivation site consisting of 5,000 square feet of existing outdoor commercial cannabis cultivation to be grown in full sun in pots on lands designated as Residential Agriculture. General agriculture and intensive agriculture are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a 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>The subject parcel is located off of an unnamed private driveway that is accessed via the privately maintained portion of Thomas Road about 3.6 miles from Salmon Creek School. The applicant has submitted Road Evaluations for all segments providing access to the parcel and has reported that they either are Category 4 roads or can have the functional capacity of a Category 4 road capable of accommodating commercial traffic if certain improvements are implemented. The project was reviewed by the Public Works Department which recommended approval with the condition that the intersection between the publicly maintained portion of Thomas Road and the privately-maintained portion of Thomas Road Lower Thomas Road be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This is included as an ongoing condition of project approval. Public Works also requested that the applicant pave the privately maintained portion of Thomas Road for a minimum width of 20 feet and a length of 50 feet where it intersects the County-maintained portion of Thomas Road. This work has already been completed by another applicant.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Housing Chapter 8</p>	<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>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<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 an Open Space Land Plan because the project site has project elements within a Streamside Management Area and has a geologic rating of high instability. See Streamside Management Area and Geologic &amp; Seismic sections below.</p> <p>The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>The project area on the subject parcel is characterized as a south facing mixed montane hardwood conifer forest. Elevation is approximately 2,120 to 2,680 feet. The historic cannabis cultivation area has slopes ranging from 32-40% and is proposed for relocation to an environmentally superior area with slopes of 9-10% at 2,550 feet in elevation. It is further away from watercourses than the historic cultivation area, which is within 50 feet of a Class III drainage, and the relocation will reduce potential impacts to water quality from cannabis cultivation. The relocation area is not in an old-growth forest and will not remove any mature trees.</p> <p>A review of data from the California Natural Diversity Database (CNDDDB) using Humboldt County WebGIS demonstrates that the nearest mapped Northern Spotted Owl siting occurred approximately .09 miles from the subject parcel in 1993, and the nearest mapped Northern Spotted Owl activity center is approximately 1.25 miles away. The nearest Marbled Murrelet habitat is approximately .07 miles away in the King Range National Conservation Area. However, no special status plants and no rare, threatened, or endangered species were observed within the project area, according to the Biological Reconnaissance Study prepared by Mother Earth Engineering.</p> <p>Although no comments were received from CDFW, the following conditions have been added to the project to protect local wildlife: The applicant will adhere to the terms, forbearance requirements, and reporting requirements established through their Streambed Alteration Agreement (1600-2019-0759-R1) or any future Streambed Alteration Agreements established for the parcel. The applicant will ensure that all cultivation-related noise sources are shielded and that decibel levels remain below 50 decibels at 100 feet from the noise source or at tree lines. The applicant will leave wildlife on the subject parcel undisturbed and will allow wildlife to leave the work site unharmed. To minimize the risk of wildlife entrapment, the applicant will not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves. All refuse will be contained in wildlife proof storage containers and will be disposed of at an authorized waste management facility. Finally, all security lighting will be motion activated</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		and comply with International Dark sky Association Standards.
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>The Northwest Information Center reviewed the project and found no record of any previous cultural resource studies for the proposed project area. Subsequently, the project was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The THPO requested that a Cultural Resources Survey be prepared for the site. William Rich, M.A., RPA visited the site in November of 2019 and conducted a comprehensive field survey. The field survey resulted in the identification of one archaeological site with a moderate scatter of lithic debitage and one groundstone artifact. The site was recorded as the "WRA 01 – Miller Site" and is outside of the area of project activities. The relocation of the historic cannabis site will not cause a substantial adverse change in the significance of the identified archaeological site. The survey was reviewed by the Tribal Historic Preservation Officer (THPO) of the Bear River Band, who concurred the recommendation of avoidance of the site and adherence to the standard inadvertent discovery protocol. This protocol is included as an ongoing condition of approval for the life of the project. 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.</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 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).</p> <p>Related standards: SR-S4, Light and Glare.</p>	<p>The project is sited at approximately 3.8 miles from State Highway 101. Highway 101 is eligible for a scenic highway designation; however, the County has not adopted a resolution formally designating this highway for inclusion into the State Scenic Highway Program.</p> <p>The project involves the cultivation of 5,000 square feet of existing outdoor cannabis cultivated in outdoors in full sun. The cultivation site will not be visible from State Highway 101 for from other nearby road because vegetated buffers are maintained between all cultivation areas and neighboring parcels or roads. No supplemental lighting is proposed for cannabis cultivation. Security lighting will be motion-activated and downward facing in compliance with International Dark Sky Standards, and the project will not result in any light escape that could affect scenic resources.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.</p>	<p>The applicant has enrolled in the State Water Board General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order WQ 20199-0001-DWQ (General Order), and a Notice of Applicability was issued for the project (WDID 1_12CC417715). A Water Resources Protection Plan was prepared for the project by Pacific Watershed Associates pursuant to previous registration in the Regional Order. The WRPP discusses findings from a Site Visit that occurred in June 2018. It states that road drainage improvements are needed in a number of locations to meet the Standard Conditions of the Regional Order, including installation of permanent road drainage structures, installation of a small rocked dip in the road surface where a spring crosses a road new SC#2, and out sloping sections of the Quad Road and Access road to reduce road runoff, erosion, and routine maintenance. Additionally, there is a landslide feature (MP#1 in the WRPP) on an unmaintained abandoned County road on the parcel that failed and delivered sediment to a Class III watercourse. A California licensed geologist or certified licensed professional specializing in erosion and sediment control will be consulted to evaluate the slide. Two stream crossings also require corrective or remedial actions in order to accommodate a 100-year streamflow and associated debris. Corrective action may take the form of culvert installation or decommissioning of the crossings.</p> <p>Conditions of approval require the applicant to implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the report form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third-Party Consultant verifying that all their requirements have been met will satisfy this condition.</p> <p>Further, conditions of approval require the applicant to provide a copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The project is family-operated with no employees. Drying will occur on site in a storage shed, and further processing will occur off site with a licensed third-party processor. The project was reviewed by the Department of Environmental Health, which recommended approval with the condition that the composting toilet or pit privy shown on the Site Map be either decommissioned and restored or permitted through the Department of Environmental Health. Should the applicant opt to hire employees in the future, the applicant must either permit the composting toilet and pit privy, or provide portable toilets for employee use with invoice or equivalent documentation provided to DEH annually, or must establish an ADA accessible restroom on the subject parcel that is connected to an approved Onsite Wastewater Treatment System.</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 located in an area that requires special noise attenuation measures due to the presence of a mapped Northern Spotted Owl activity center within two miles of the cultivation area on the subject parcel. While the primary power source to the project is solar, a generator is used in October and November to power the structure used for drying. The project is conditioned that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.</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 &amp; 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-P7, Structural Hazards; and S-P11, Site Suitability.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone, nor is it subject to liquefaction. The project does not pose a threat to public safety from exposure to natural or manmade hazards.</p> <p>The historic cannabis cultivation area has slopes ranging from 32-40% and is proposed for relocation to an environmentally superior area with slopes of 9-10% at 2,550 feet in elevation. No grading of greater than 40 cubic yards of soil is required or proposed to support the relocation. The historic project area is seismically classified as high instability, but the relocation project area is seismically classified as moderate instability. There are no mapped historic landslides on the parcel, but per the applicant's Water Resources Protection Plan, there is one small landslide on the parcel off the legacy logging road that is used to access the proposed relocation site. The failure occurred years ago and does not impair access to the proposed relocation site. It is the upper end of a head-cut from a slide originating in an Abandoned County road easement downslope. The head-cut fill slope instability has a small volume of perched fill remaining in the head slope but appears to be stabilized by several uneven aged conifers. If there was to be a future failure, there would be little to no delivery to surface waters. The WRPP recommends that a California licensed geologist or certified licensed professional specializing in erosion and sediment control needs to be consulted to evaluate the slide along the Abandoned County Road, and to make prescriptions to either decommission or repair the road. Conditions of approval for this project require the applicant to implement their Water Resources Protection Plan and to obtain permits from the Building division for all graded flats, roads graded after 2016, and structures with a nexus to cannabis. These features will be subject to review by the Building Division for consistency with applicable State, Federal, and local regulations of building standards, including those related to slope stability, ground shaking, and geologic risk.</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>The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 10 miles distance from the coast and over 1000 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; and S-P15, Construction Within Special Flood Hazard Areas.	
<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 for loss of life, property, and natural resources (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire hazard severity. The project site is located within the Salmon Creek VFC fire response area and the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires and outside of the Telegraph Ridge Fire Protection District. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe, Resource Management, and Cannabis Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>The water source for fire suppression on the parcel is a proposed 100,000-gallon pond. Conditions of approval for the project require the applicant to demonstrate that the driveway and emergency vehicle turn arounds conform with Humboldt County Code Section 3112-12, the Fire Safe Regulations.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p> <p>For discretionary permits findings shall be made that no service is available, and the project shall be conditioned to record acknowledgment of no available emergency response and fire suppression services.</p>	<p>The subject parcel is located within the response area for the Salmon Creek Volunteer Fire Company; however the parcel is located outside of the Telegraph Ridge Fire Protection District and it is assumed that no service would be available from the district, and that no acknowledgment would be received. For this reason, the project is conditioned that the applicant records an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" from the Telegraph Ridge Fire Protection District.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; and AQ-P7, Interagency Coordination.</p>	Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during any construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

**2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:**

The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	APNs 221-051-007 and 221-061-017 comprise one legal parcel pursuant to SMA §66499.35(d), as Conditional Use Permit-119-80 was approved on 10/8/1980 for the parcels.
314-8.1 Unclassified	<b>Unclassified (U):</b> The Unclassified zone is applied to areas that have not been sufficiently studied to justify precise zoning classifications.	The proposed action would permit an outdoor commercial cannabis cultivation in existence prior to January 1, 2016, on a parcel zoned U. The existing cultivation area totals 5,000 square feet. The proposed cannabis cultivation use is specifically allowed with a Zoning Clearance Certificate in the U under Section 314-55.4.8.2.2 of the CMMLUO. The project includes activity in a Streamside Management Area, and therefore a Special Permit is also required pursuant to §314-61.1 of the Humboldt County Zoning Code. Further, the project involves cannabis cultivation within 600 feet of public lands, and therefore a Special Permit is required pursuant to §314-55.4.11(d), as found in the CMMLUO.
Min. Lot Size	6,000 square feet	120.68 acres
Min. Lot Width	50 feet	~2840 feet
Max. Lot Depth	Three times the width	~2810 feet

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Yard Setbacks:  (Through the SRA requirements)	Front: 20 feet Rear: 10 feet Side: 5 feet  SRA: 30 feet, all sides	>30 feet all sides
Max. Ground Coverage	Forty percent	<40%
Max. Building Height	None specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of Class I or Class II streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p> <p>The SMA of Class III or intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p>	<p>The project is within the Cape Mendocino Planning Watershed, the Upper Mattole River HUC 12 watershed, and the Mattole Canyon Planning Watershed. Per the applicant's Bio Reconnaissance Study, prepared pursuant to their relocation proposal by Mother Earth Engineering, there are no fish-bearing streams on the property, but there are several Class III drainages that flow into Mattole Canyon Creek, a tributary to the Mattole River. The project proposal includes two Special Permits for activity within the Streamside Management Areas of these watercourses, one for a point of diversion used for cannabis irrigation, and one for restoration activity associated with the removal of the historic cultivation area and ancillary features and for removal of legacy automobiles and tires in a stream channel. The restoration work will improve environmental conditions on the site, and the continued use of the points of diversion for cannabis irrigation will not adversely affect fish or wildlife because the intakes of the points of diversion will subject to the terms established in the applicant's Streambed Alteration Agreement with CDFW (1600-2019-0759-R1). The intakes for the points of diversion will be designed to allow any aquatic species to pass and will include a water intake screen. The maximum diversion rate shall not exceed three (3) gallons per minute (gpm) at any time, 90% of the flow of the watercourse must bypass the point of diversion at all times, and the points of diversion will only be used for domestic use during the low flow season from May 15<sup>th</sup> to October 31<sup>st</sup> of each year. The points of diversion will be metered, and the applicant will maintain a log with measurements of the diverted flow. Compliance with the SAA and any future SAA issued is an ongoing condition of project approval.</p>

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

<p>§314-55.4.8.2</p> <p>Timberland Conversion</p>	<p>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.</p>	<p>Timber removal has occurred on the site and a Timber Conversion Evaluation Report (TCER) was prepared by a Registered Professional Forester (RPF), Timothy A Metz, FPF #2501 of Restoration Forestry. The RPF found that the removal occurred in 1993 and was CEQA compliant. The report states that the area contemplated by the landowners for relocating the cultivation area and placing the new engineered pond is a former landing that has been extensively modified for skidding, stacking and loading timber on trucks for transportation to a sawmill. The RPF determined that no conversion of forest or forest resources would take place on the site with the proposed relocation, however conversion, but not timber removal, would take place with the placement of the proposed pond on the landing. Conversion would be less than the three acre maximum. The TCER was forwarded to Cal-Fire, which reviewed the report and commented that timberland conversion report submitted with the application appears to adequately address and mitigate the unpermitted conversions on the property and that CAL FIRE has no additional comments.</p>
<p>§314-55.4.8.2.2</p> <p>Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.</p> <p>A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation &gt;10,000 - 43,560 sf on parcels over 1-acre, zoned FR.</p>	<p>The proposed action is one Zoning Clearance Certificate for 5,000 square feet of existing cannabis cultivation on a property zoned Unclassified (U). Aerial imagery on TerraServer indicate that existing cultivation operations on the property began sometime before 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Zoning Clearance Certificates. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.10</p> <p>Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, the applicant, hold no other cannabis activity permits, and is entitled to four. This application is for one Zoning Clearance Certificate.</p>

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial cannabis cultivated will be processed at a licensed off-site facility.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Water for cannabis irrigation is sourced from a point of diversion and is stored in hard tanks on the subject parcel. There is 126,600 gallons of water storage capacity on the site in hard tanks currently. An additional 230,000 gallons of water storage capacity is proposed in the form of 200,000-gallon rain catchment pond and 6 additional hard tanks. The combined existing and proposed water storage capacity will be 356,600 gallons. Water is delivered to the cannabis plants via hand watering. The applicant's estimated annual water use is 98,000 gallons per year.
§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).	There are no schools within 600 feet of the cultivation operation. There are no parks as defined in HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery, however there is public land managed for open space or wildlife habitat. A Special Permit for a reduced setback from these public lands is included in the project with the finding that the project, as conditioned, will not interfere with the use or management of the public lands. There is no place of religious worship within 600 feet. There are no cultivation-related structures within the 30-foot SRA setback. Following relocation of water tanks and legacy vehicles and fires, there will be no cultivation-related structures within Streamside Management Areas on the subject parcel. A Special Permit to complete this restoration work is included in the project.

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

§314-55.4.11.d Performance Standards- Setbacks – Lands Managed for Open Space and/or wildlife habitat	For publicly owned lands managed for open space and/or wildlife habitat purposes, a setback of less than 600 feet may be allowed with a Special Permit.	<p>The project site is bordered by Bureau of Land Management (BLM) property within the King Range National Conservation Area (KRNCA), consisting of APN 221-151-006 to the North and APN 221-051-008 to the West and to the South. The proposed cultivation area after relocation will be around 350 feet from the boundary of the parcels managed by the BLM. This Special Permit will allow for a reduction in the required 600-foot setback from public lands. The adjacent public lands are subject to the 2005 King Range National Conservation Area Resource Management Plan (RMP). The lands adjacent to the project site are designated Front country Zone in the RMP, and management activities in that zone include forest stand management, fuel reduction, fire break construction, and watershed restoration. The project is consistent with the RMP because cultivation activities will protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams, by restricting the design and use of the point of diversion, by placing controls on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildlife by adhering to the County's Fire Safe Regulations and by requiring adequate road access and maintenance. The RMPS provisions for protection of heritage resources will be met through the project consultation with the Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. The project is consistent with recreational use on public lands by maintaining a minimum 600-foot buffer separation from developed campgrounds and trails. Further, a vegetated buffer is maintained between the cultivation area and the adjacent public lands, the cultivation area will be secured with fencing and a metal locked gate, and the power source for the project is a solar array. During the months of September and October, a generator is also used to supply power to the structure used for drying and storage. Conditions of approval require the generator to be enclosed or otherwise muffled such that noise levels produced by the generator will remain below 50 decibels measured from 100ft or from the nearest tree line, whichever is closer.</p> <p>The project was referred to the Bureau of Land Management and no response was received.</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)**

§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	The subject parcel is located in an area that requires special noise attenuation measures. While the primary power source to the project is solar, a generator is used to power the structure used for drying, the project is conditioned that any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
§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 prior to the deadline of December 31, 2016.

**4. Public Health, Safety and Welfare:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity 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 approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinance and the project is not expected to cause significant environmental damage.

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

Code Section	Summary of Applicable 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 is utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), 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 property was not included in the 2019 Housing Inventory because of the land use designation and zoning. It is developed with a single-family residence which will remain. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 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 221-051-007 and 221-061-017, Ettersburg area, 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 Zoning Clearance Certificate (ZCC) for 5,000 square feet of existing outdoor cannabis cultivation, a Special Permit for use of a point of diversion for cannabis irrigation, a Special Permit for restoration activity within a Streamside Management Area, including the removal of legacy vehicles and tires within a stream channel, and a Special Permit for a reduced setback from public lands managed by the Bureau of Land Management. Cannabis is cultivated in outdoors in full sun. The water for the project is a point of diversion. Water will be stored in hard tanks and in a proposed pond. Existing and proposed tanks will have a combined 356,600 gallons of water storage capacity designated for cannabis irrigation. A second pond of 100,000 gallons is proposed for fire suppression. The applicant's estimated annual water use is approximately 98,000 gallons. Power is provided by solar arrays and a generator is used in October and November to power the structure used for drying. Processing occurs offsite at a licensed third-party facility. The project is family-operated, and no employees work on site. The project is supported by a Biological Reconnaissance Study prepared by Mother Earth Engineering, which found that no special status plants and no rare, threatened, or endangered species were observed within the project area. As no mature stands of trees are proposed for removal, and the project will have a low impact to Upland Douglas Fir Forest, a sensitive natural community. A Cultural Resources Survey was conducted on the parcel, and a cultural resource site was identified outside of the project area. No ground disturbance or new infrastructure is to be established within the site boundary, and the applicant shall adhere to a heightened inadvertent discovery protocol.

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 standards to limit disturbance to wildlife, restoration of decommissioned cultivation sites in Streamside Management Areas, increased water storage to allow for complete forbearance from water diversion during the dry season, identification and avoidance of cultural resources, measures to correct drainage and erosion on the subject parcel, 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 the project and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

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

- County GIS.
- Site Plan and Operations Plan for Grindstone Ridge Gardens, LLC.
- Streambed Alteration Agreement (Notification No 1600-2019-0759-R1) for APNS 221-051-007 and 221-061-017, received 5/11/2020.
- Timber Conversion Evaluation Report prepared by Timothy A. Metz RPF#2602, received 6/18/2020
- Water Resources Protection Plan prepared by Pacific Watershed Associates in June 2018.
- Right to Divert and Use Water (Certificate H100200 – Registration H500844).
- Cultural Resource Report, prepared by William Rich, M.A. RPA, received 11/18/2019.
- Biological Reconnaissance Report, prepared by Mother Earth Engineering, received 5/15/2020.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

### **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

## **CONCLUSION**

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

## ATTACHMENT 4

### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Certificate H100200, pursuant to Registration H500844 - Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (Described in Cultivation and Operations Plan - Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. R1-2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability for WDID:1\_12CC417715 - Attached)
8. Water Resources Protection Plan prepared by Pacific Watershed Associates in June 2018. (Attached)
9. 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. (Notification No. 1600-2019-0759-R1 - Attached)
10. If the source of water is a well, a copy of the County well permit, if available. (Not applicable. There is a well on the parcel, but it is not proposed as a cannabis irrigation water source.)
11. 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 (CALFIRE). 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 CALFIRE. (Timber Conversion Evaluation Report prepared by Restoration Forestry - Attached)

12. 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)
13. 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)
14. 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)
15. 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)
16. Road Evaluations prepared by applicant and Stillwater Science for the access route to 221-051-007 and 221-061-017. (On file)
17. Cultural Resource Report, prepared by William Rich, M.A. RPA, received 11/18/2019. (On file and confidential)
18. Biological Reconnaissance Report, prepared by Mother Earth Engineering, received 5/15/2020 (On file and confidential)
19. Relocation of Existing Cultivation to Environmentally Superior Location

# CULTIVATION AND OPERATIONS PLAN

APN: 221-051-007-000

ADDRESS: 3790 THOMAS ROAD, MIRANDA, CA 95553



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## Cultivation Plan

J. John Miller, Jr. (Operator) is applying for 5000 ft.<sup>2</sup> of Outdoor Cannabis cultivation on APN 221-051-007-000, an 80-acre parcel in Miranda, California. The parcel is zoned as Residential Agriculture and designated as RA40 under the current Humboldt County General Plan. Cultivation is proposed to take place Describe cultivation area(s) square feet, gradient, totals etc

Outdoor cultivation area is proposed for 5000ft.<sup>2</sup>. Approximately 88 100-gallon hard-sided pots with 6' spacing between pots will be used.

Inspection activities will include but shall not be limited to checking leaves and buds for signs of nutrient deficiencies and excess, pests, mold, as well as checking soil moisture levels and plant growth. Maintenance activities will include but shall not be limited to pruning, removal of dead leaves, removal of fan leaves, pruning, topping, trellising, application of pesticide, removal of plant material affected by mold/ fungus, removal of plant material affected by pests.

Fertilizers used during cultivation will include but shall not be limited to Dr. Earth products.

Plants are to be purchased from a licensed nursery or propagated on site within the hoop-houses. The vegetative growth phase will last 6-8 weeks. Flower growth phase will last 8-10 weeks depending on the strain of cannabis grown. These phases are further detailed in the sections below.

### Vegetative Growth Phase

Once purchased from a permitted nursery, plants will be transplanted into 4-inch containers. Due to plant/ container size, irrigation will be done via hand watering. Once a root system has been established and plants are of appropriate size they shall be transplanted to 1-gallon containers. Once Plants have grown to the appropriate size they will be transplanted into 100-gallon plastic pots. During the vegetative growth phase high nitrogen fertilizer shall be applied along with beneficial fungus to help establish a strong root system.

### Flower Growth Phase

Once daylight hours reach 14 hours or less (late July to August), plants will be entering the flower phase of growth. Flower phase will last 60 to 80 days depending on genetics. During the flower growth phase high phosphorus fertilizers shall be applied along with products to increase terpene and sugar production in the plant. Approximately 10 days before harvest fertilizer application will cease and plants will be "flushed" with non-fertilized water to force the plants to use nutrient stored within themselves and optimize plant smell and flavor.

### Harvest

Once the Operator determines flowers are ready for harvest branches will be taken off the main stock, Fan leaves will be removed and branched will be hung in the storage area for drying.

### Schedule of Cultivation Activities

A generator will be used during drying of harvested cannabis, as well as during processing.

January through September, the generator is not used.

October and November, the generator is used.

December, the generator is not used.

Month	Cultivation Activities
January	Fallow
February	Fallow
March	Fallow
April	Hoop House is constructed for use of plant starts in 1-5 gallon pots. 100-gallon pots are prepared and soil is amended for cultivation.
May	Cannabis planting begins, vegetative growth begins. Hand irrigation, inspection, and maintenance activities.
June	Cannabis is planted, vegetative growth begins. Hand irrigation, inspection, and maintenance activities.
July	Vegetative growth continues. Irrigation, inspection, and maintenance activities.
August	Flower Growth begins. Irrigation, inspection and maintenance activities.
September	Flower Growth continues. Irrigation, inspection, and maintenance activities.
October	Flower Growth Ends. Irrigation, inspection and maintenance activities, as needed. Plants are harvested, dried, and transported to drying shed for processing
November	Hoop houses are deconstructed and site is winterized (cover crop is planted in pots, disturbed ground is mulched with weed free straw, all erosion and sediment control measure are inspected/implemented). Irrigation systems are turned off.
December	Fallow

\*No Generator will be used for cultivation activities on site. 100% renewable power.

## Cultivation Site Relocation

The existing cultivation areas are proposed to be moved to the western portion of the parcel. This is being done to reduce the slope on which cannabis is being cultivated, and for better sun exposure. Existing cultivation areas are located on slopes +/-25%, proposed site is on slopes 5-10%. Additionally, the existing cultivation site is within the 30 ft. setback of the property line.

Once relocated, the existing cultivation area will be used for domestic vegetables &/or reseeded with native grasses.

## Security Plan

The following security measures will be implemented at the cultivation site:

- A metal locked gate to prevent unauthorized entrance to the cultivation site.
- Onsite operator regularly monitoring all cultivation areas.

- 8 ft fences around cultivation areas to prevent unauthorized entrance to cultivation areas

## Processing Plan

Upon harvest, cannabis buds will be removed from plant stalks and transported to the storage and drying shed. Fan leaves and excess vegetation are to be removed when plants are harvested. Leaves removed at the time of harvest and stalks will be moved to compost area. Removal of leaves at the time of harvest is not to be considered trimming for packaging and distribution. Cannabis processing activities (trimming and packaging) will be taken to offsite processing facility. A licensed cannabis Distribution company will transport cannabis from the cultivation site to their facility.

## Employees

No Employees will be used for cannabis cultivation.

## Hazardous Materials Storage and Usage

The cultivation site does not store hazardous materials at a reportable quantity (less than 50 gal.). The cultivation of high quality cannabis necessitates the use of some regulated products such as fertilizer and fungicide.

All fertilizers and fungicide will be applied in accordance with manufacturer instructions and in line with regulations and recommendations from appurtenant regulating agencies (California Department of Pesticide Regulation, Stater Water Resources Control Board, County of Humboldt, California Department of Fish and Wildlife, California Environmental Protection Agency etc.)

Fertilizers used during cultivation will include but shall not be limited to Dr. Earth products.

No Pesticides will be used.

All fertilizers are stored in the metal storage box in their original containers. This facility shall be locked, weather proof, wildlife proof, protected from extreme temperatures, secured from unauthorized entry, and equipped with a pan as a means of secondary containment. Hazmat spill kits are to be placed inside the storage facility. The MSDS for all hazardous materials stored in the building shall be posted in the facility. Storage of fertilizer and fungicide shall always meet manufacturer instruction.

All petroleum products are stored in metal storage box, in approved fuel containers. This storage box shall be locked, weather proof, wildlife proof, protected from extreme temperatures, secured from unauthorized entry, and equipped with a pan as a means of secondary containment. Hazmat spill kits are to be placed inside the box. The MSDS for all hazardous materials stored in the box shall be posted. No Smoking signs will be posted and smoking will not be permitted within 25 ft. of the storage box.

The following procedure is to be used is the event of a hazardous material spill:

- Risk Assessment:** The moment a spill occurs and throughout the response, risks will be determined that may affect human health, the environment, and property. The spilled material and quantity released will be and determined.



- II. **Selection of Personal Protective Equipment:** The appropriate Personal Protective Equipment (PPE) is selected to safely respond to the spill will be determined. MSDS and literature from Chemical and PPE manufacturers will be used to make this determination. If there is uncertainty of the danger and the spilled material is unknown, the worst will be assumed and the highest level of protection will be implemented.
- III. **Spill Confinement:** As quickly as possible the spill area will be confined. Use of contained absorbents such as socks and booms will be implemented. Priority will be given to stop the flow of the liquid before it has a chance to contaminate a water source. Spill kits will be used to facilitate a quick, effective response.
- IV. **Stopping the Source:** After the spill has been confined, the source of the spill will be stopped. This may simply involve turning a container upright or plugging a leak from a damaged drum or container. Putty, barrel patches, and cone plugs will be used to stop leaks. Material will be transferred from the damaged container to a new one.
- V. **Incident evaluation and cleanup implementation:** Once the spill has been confined and the leak has been stopped, the incident will be assessed and a plan of action for implementing the spill clean-up will be developed. Pillows and mat pads will be used to absorb the remainder of the spill. Once the absorbents are saturated they will be considered hazardous waste and disposed of accordingly.
- VI. **Decontamination:** Site, personnel and equipment will be decontaminated by removing or neutralizing the hazardous materials that have accumulated during the spill. This may involve removing and disposing of contaminated media such as soil that was exposed during the spill incident.
- VII. **Reporting:** All notifications and paperwork required by local and governmental guidelines for reporting spill incidents will be completed.

### Pest Management Plan

The following measures will be used to prevent the introduction and or proliferation of pests in cultivation areas:

- Properly sanitizing the cultivation environment, equipment, and tools
- Use of disease-resistant cannabis plants
- Reducing susceptibility by maintaining healthy plants through proper feeding, climate, etc.
- Managing environmental factors, such as temperature, light, humidity, and air circulation, to limit pest reproduction.
- Properly spacing and pruning plants
- Removing potential pest habitats and food sources, including plant debris, standing water, and trash.
- Purchasing plants from a sterile nursery
- Quarantining and inspecting new genetic stock to limit pest and disease introduction
- Properly circulating air to prevent proliferation of mold and mildew

The following measure will be used to control pests if and when they establish a significant presence in cultivation area:

- Cultural Control:
  - Adjust environmental conditions to slow or halt pest reproduction and spread
  - Correct issues with cultivation layout and plant health that facilitate pest activity
- Manual Control:
  - Isolate affected plants immediately and treat or destroy in a segregated space
  - Physically remove pests using gloved fingers, sponges, or sprayed water
- Biological Control:
  - Use permissible beneficial biological controls including predatory wasps, mites, and nematodes, lacewings, ladybugs, pirate bugs, etc. in accordance with applicable state and local law and regulation.
  - Use biologicals in accordance with instructions and avoid environmental conditions and products that limit their effectiveness.

### Sewage Management Plan and Onsite Waste Water Treatment System Information

The Operator shall provide and maintain an approved means of sewage disposal at all times. All sewage generated at the site will be disposed of via porta potty rental.

No other wastewater is expected to be generated at the site.

### Soil Management Plan

Soil shall be amended and re-used every year. While cultivation area is fallow, cover crop will be planted in pots. Soil is to be amended with Dr. Earth products before each cultivation cycle.

### Energy Plan

All electricity sources utilized by Commercial Cannabis Cultivation activities at the site shall be sourced from generator (for drying and processing), or supplied from 100% renewable source (solar panels).

### Site Drainage, Runoff, and Erosion Control Measures

All applicable statutes, regulations and requirements of the North Coast Regional Water Quality Control Board and State Water Resources Control Board shall be observed at all times. Should any substantially equivalent rule addressing water quality protections and waste discharge that may be subsequently adopted by the County of Humboldt or other responsible agencies be adopted it too shall be observed.

The proposed cultivation area will require minimal grading, a grading plan will be submitted to the county and subsequent grading permit obtained before this activity takes place. Erosion and sediment control measures will be implemented around the site while grading take place such as placement of straw wattles/ fiber rolls and silt fences. These devices will be placed along the toe, top, face, at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow. Any spoil/ soil piles created by grading or other activities will be tarped and bermed or have wattles/ fiber rolls placed along there perimeter. Plants are to be grown in pots, no beds will be dug at the site.

Approximately 1.3 miles of road exist at the cultivation site. Roads are primarily drained through a series of inside ditches equipped with drainage relief culverts and outsloping. A total of nine

drainage relief culverts are used to move stormwater runoff from inside ditches. Drainage relief culverts are regularly maintained to ensure no debris blocks entrances and sidewalls do not show signs of erosion.

A single 30" culvert (Culvert 3) currently exists on the property. Two 24" culverts are proposed (culverts 1 & 2) to facilitate the crossing of 2 Class II streams. Original stream crossings were culverted and surrounding area slide causing them to fail. This portion of the road segment was a legacy easement and not designed by the operator.

Road drainage improvements will be implemented in a number of locations across the site to meet standards set forth by the "Five Counties Salmonid Conservation Roads Maintenance Manual" adopted by the Humboldt County Board of Supervisors and the standards set forth in the North Coast Regional Water Quality Control Board (NCRWQCB) General Order No. 2015-0023:

1. Installation and restoration road washout and two culverts facilitating the crossings 2 Class II streams. The services of Emerald Hills Environmental have been retained for the submission of a Lake and Streambed Alteration Notification and subsequent Agreement for this project. A Professional Engineer as part of the agreement will also provide designs and culvert sizing. The contract verifying this agreement has been included.
2. Installation of permanent road drainage structures which shape the road surface (rolling dips, ditch relief culverts etc.) on the immediate approaches to stream crossing to hydrologically disconnect road segments from surface waters and disperse road runoff.
3. Out sloping of sections of the Quad Road and access roads.

## Protection of Watershed and Nearby Habitat

The proposed cultivation area is sited in a stable area approximately 230 ft. from an unnamed class III stream (the nearest surface water course) and compliant with riparian setbacks specified by the SWRCB General WDR Order and Streamside Management Area setback requirements.

Pesticides and other agricultural chemicals used will be in compliance with California Department of Pesticide Regulation rules and applied as minimally as is possible to ensure good crop health. Products will only be applied when pollinators are not present, and winds are minimal to prevent any offsite drift. All pesticides and fertilizers are to be stored in a secured, wildlife proof facility with secondary containments to prevent chemicals from leaching into groundwater/ surrounding habitat in the event of a spill. This facility shall be located outside of streamside management areas and riparian buffer zones. No rodenticide or poison is used on site.

During the wet season cover crops will be planted in pots, other disturbed areas around cultivation sites are to be treated with straw mulch for erosion control.

All organic and non-organic waste will be hauled offsite on a weekly basis or as needed. Solid waste is stored in cover bins and disposed of at disposed of at 2 a weekly basis or as needed.

Water Storage Area A is within 50 feet of a class III stream and shall be relocated outside of this area. Legacy vehicles and tires are located in the streambed below the proposed culverts and shall be removed. Emerald Hills Environmental services have been retained for a Lake and Streambed Alteration Agreement to remove these items. This debris was placed in the stream channel before the Operator took ownership of the property.



A Site Management Plan (SMP) is being created pursuant to the reporting requirements of SWRCB Order WQ-2017-0023-DWQ, "General Waste Discharge Requirements and Waiver of Waste Discharge Requirements For Discharges Of Waste Associated With Cannabis Cultivation Activities" (General Order). Comprehensive erosion control measures will be implemented according to the SMP and provide specifications for optimal site drainage. Implementation of these measures will be done on the timetable set forth in the SMP.

## Water

### Source

The Operator shall obtain irrigation water through water diversion to storage tanks. A copy of the permit for a 310' deep well has been attached to the application. (see map for locations).

A metering device shall be installed and maintained at the point of water withdrawal.

Trucked water shall not be used, except for emergencies. For purposes of this provision, "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action".

### Irrigation Plan

Irrigation shall be performed via hand watering. Irrigation will be done at agronomic rates, water shall not percolate below the root zone or out of pots and into the ground. Plants shall be watered every other day or as needed; the amount of water used during irrigation varies by plant size, growth phase, and soil moisture evaporation rates. It is expected that plants will be given an average five gallons of water during each irrigation cycle.

The irrigation system shall be inspected for leaks before each use and is equipped with emergency shutoff valves at regular intervals to stop leaks wherever they might occur. Regular maintenance shall be done to replace worn/ outdated components.

Water conserving measure are to be taken to ensure maximum efficiency of water used for irrigation. These measures shall include but are not limited to the use of drip irrigation, straw mulch, and water retaining soil amendments such as coco fiber.

A metering device shall be installed and maintained at or near the outlet of all water storage facilities utilized for Irrigation. The Operator shall maintain a weekly record of water withdrawn from well, as well as a record of all water used in irrigation of permitted cultivation areas. A copy of these records shall be stored and maintained at the cultivation site, and kept separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be reported to the County on an annual basis, at least thirty (30) days prior to the date of each annual permit inspection. Records shall also be made available for review during site inspections by local and state officials.

### Projected Water Usage

Given an expected 280 plants being irrigated with five gallons every other day over a 140-day cultivation cycle (70 irrigation days), water usage is expected to be 98,000 gal. per year. This estimate may vary depending on environmental conditions such as air temperature and humidity. Plant growth and size may also demand that more or less water is required over the course of the cultivation cycle for optimal plant health.

2019

<b>Month</b>	<b>Water Usage Per Month (gal.)</b>
January	0
February	0
March	0
April	0
May	16,300
June	16,300
July	16,300
August	16,300
September	16,300
October	16,300
November	0
December	0

*Table 1: Projected monthly water use for irrigation*

### Storage

HDPE tanks exist for water storage at the site. Water is pumped from the collection tank uphill. Tanks shall be equipped with a float valve to prevent over topping.

The following table details existing and [proposed water storage facilities located across the cultivation site:

<b>Water Storage Area</b>	<b>Capacity</b>	<b>Tank Count</b>	<b>Tank Type</b>
A	9,500	5	HDPE
B*	25,500	1	Steel
C	10,500	3	HDPE
D	67,600	14	HDPE
E (Proposed)**	30,000	6	HDPE
F	13,500	5	HDPE
<b>Total</b>	<b>156,600</b>	<b>34</b>	

\* Water Storage Area B is located on a graded flat & pea gravel bed as per manufacturer recommendations

\*\*Water Storage Area E will be installed spring of 2020



### Fire Water

The fire water tank is located within Water Storage Area A and shall only be used for the purpose of fire suppression. Additionally, a 100,000 gal. pond is proposed for fire water and recreation.

### Protection of Watershed and Nearby Habitat

The proposed cultivation area is sited in a stable area approximately 800 ft. from the Mattole Canyon Creek, and is compliant with riparian setbacks specified by the SWRCB General WDR Order and Streamside Management Area setback requirements. The cultivation site and area are on flat land (+/-5-10% slope). Approximately one mile of road is used for cultivation activities at the site. Roads are surfaced and compacted with gravel, roads are not hydrologically connected to any municipal storm water system. Given the relatively flat topography, hydrologic disconnection, and distance from surface water, sediment discharge/ runoff risk associated with cannabis cultivation activities at the site is extremely minimal.

Agricultural chemicals used will be in compliance with California Department of Pesticide Regulation rules and applied as minimally as is possible to ensure good crop health. Products will only be applied within the growing area, when pollinators are not present, and winds are minimal to prevent any offsite drift. Fertilizers are to be stored in a secured, wildlife proof facility with secondary containments to prevent chemicals from leaching into groundwater/ surrounding habitat in the event of a spill. No rodenticide or poison is used on site.

During the wet season soil is to be planted with cover crops, other disturbed areas around cultivation sites are to be treated with straw mulch for erosion control.

All non-organic waste will be hauled to the County Site Dump in Fortuna on a weekly basis or as needed. Solid waste is stored in cover bins and disposed of at the County Site Dump in Fortuna on a weekly basis or as needed.

Generators will not be used at the cultivation site. No significant sources of noise will be used for cannabis cultivation activity. Generators will be used, as needed, at the drying and processing area.

### Noise Source Assessments and Mitigation Plan

Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.

No significant sources of noise generation will be used in regular cultivation activity. Generators, pumps, or other equipment requiring fuel-powered motors are to be used, as needed. Cultivation activity will necessitate vehicular traffic to and from the site to import and export materials.

### Invasive Species Control Plan

No invasive species survey has been done at the site. Should invasive plant species be identified a plan for their removal shall be developed in consultation with a qualified biologist and at a minimum shall include the mowing of plant before seed is produced and manual removal or treatment with approved herbicide.

Cultivation activities will not create or use habitat where invasive species can establish a population such as a pond. Any mulch/ straw brought on the site for stabilization, evaporation prevention, or other means shall be seed free. Any reseeded done to stabilize disturbed areas or reestablish vegetation shall use only native seed mixes. The Operator will work with EHE to determine the appropriate seed mix.



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

**DIVISION OF WATER RIGHTS**

**RIGHT TO DIVERT AND USE WATER**

REGISTRATION *H500844*

CERTIFICATE *H100200*

Right Holder: *Jerry Miller  
PO Box 1536  
Redway, CA 95560*

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *07/19/2018*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
POD 1	Unnamed Spring	Mattole Canyon Creek	Mattole River	40.2159	-123.9704	Humboldt	221051007
POD 2	Unnamed Spring	Mattole Canyon Creek	Mattole River	40.2151	-123.9701	Humboldt	221051007
POD 3	Unnamed Spring	Unnamed Stream	Salmon Creek	40.2186	-123.9722	Humboldt	221051007

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	221051007	0.2

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *08/10/2018*.

The place of use is shown on the map filed on *08/10/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.28 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.283 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

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

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

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

required to otherwise compensate the holders of such rights for injury caused.

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

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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

Dated: 08/10/2018 12:15:39

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North Coast Regional Water Quality Control Board

November 15, 2019

WDID:1\_12CC417715

J. JOHN MILLER, JR.  
ATTN: JERI FERGUS  
PO BOX 1536  
REDWAY, CA 95560



Subject: Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

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

Sincerely,



On Behalf Of



2019.11.15 15:18:50 PST

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

191115\_1L\_1\_12CC417715\_1b171289chum\_Grindstone\_Ridge\_Gardens\_NOA\_TW

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)



**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, J. JOHN MILLER, JR., HUMBOLDT COUNTY APN(s) 221-051-007**

J. John Miller, Jr. (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 25, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC417715**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1b171289chum.

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

**1. FACILITY AND DISCHARGE DESCRIPTION**

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

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

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

**2. SITE-SPECIFIC REQUIREMENTS**

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

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

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

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

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

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

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/190403/180731\\_031616\\_401\\_WQ2017-0023-Application.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf)

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

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

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



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

### **3. TECHNICAL REPORT REQUIREMENTS**

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

A Site Management Plan, by September 22, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

### **4. MONITORING AND REPORTING PROGRAM**

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

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wqo2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32).

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

## **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov) or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

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

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

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

Cc: Kevin Porzio, State Water Resources Control Board,  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)  
Cheri Sanville, California Department of Fish and Wildlife,  
[cheri.sanville@wildlife.ca.gov](mailto:cheri.sanville@wildlife.ca.gov)  
Cliff Johnson, Humboldt County Planning and Building,  
[cjohnson@co.humboldt.ca.us](mailto:cjohnson@co.humboldt.ca.us)





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
619 Second Street  
Eureka, California 95501  
(707) 445-6493  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



February 13, 2020

John Miller Jr.  
PO Box 1536  
Redway, CA 95560  
707-223-0523  
[grindstoneridge@gmail.com](mailto:grindstoneridge@gmail.com)

Subject: Draft Lake or Streambed Alteration Agreement  
Notification No. 1600-2019-0759-R1  
Miller Diversion and Crossings Project

Dear John Miller Jr.:

The California Department of Fish and Wildlife (Department) has determined that your project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. Enclosed is a draft Agreement that includes measures the Department has determined are necessary to protect existing fish and wildlife resources.

Within 30 days of receipt of this draft Agreement, you must notify the Department in writing whether the measures to protect fish and wildlife resources are acceptable (Fish and Game Code section 1603). If you agree with the measures set forth in the draft Agreement, you or your authorized representative **must return the draft Agreement with original signature to the above address.**

If you disagree with any measures in the draft Agreement, please contact the Department staff identified below. In the event that mutual agreement is not reached, you may follow the dispute resolution process described in Fish and Game Code section 1603(a), Part III of the "Notification Instructions and Process." If you fail to respond in writing within 90 days of receiving the draft Agreement, the Department may withdraw the draft Agreement.

After you receive a final Agreement executed by the Department, you may begin the project the Agreement authorizes provided you have obtained all other necessary local, state, and federal permits or other authorizations.

For more information on the process described above, please refer to the "Notification Instructions and Process" included with your notification materials, which is also available at <https://www.wildlife.ca.gov/conservation/lisa>.

*Conserving California's Wildlife Since 1870*

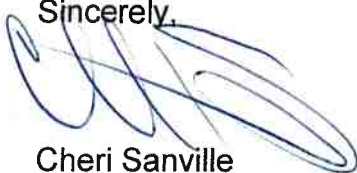


Please be advised the Department may not execute the Agreement until it has complied with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et seq.*) as the lead or a responsible agency. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the overall project and that the Department may have additional comments or concerns during the CEQA review process.

This Agreement only covers jurisdictional items under Fish and Game Code 1600 *et seq.*, but there may be other aspects of the overall development project that invoke the Department's role as trustee and responsible agency under CEQA. Therefore, the Department may submit additional comments, requests for information, and recommend requirements for mitigation or monitoring in order to avoid significant impacts to fish and wildlife or their habitat. Furthermore, this Agreement does not authorize "take" of any state or federal listed threatened, endangered, or candidate species.

If you have any questions regarding this letter, please contact Environmental Scientist Greg O'Connell at [gregory.oconnell@wildlife.ca.gov](mailto:gregory.oconnell@wildlife.ca.gov).

Sincerely,



Cheri Sanville  
Senior Environmental Scientist Supervisor

Ec:

Mother Earth Engineering  
Trillian Schroeder, [Trill@motherearthengineering.com](mailto:Trill@motherearthengineering.com)

North Coast Regional Water Quality Control Board Water Board, Cannabis  
Cultivation Program  
[NorthCoast.Cannabis@Waterboards.ca.gov](mailto:NorthCoast.Cannabis@Waterboards.ca.gov)

State Water Resources Control Board, Division of Water Rights  
[cannabisreg@waterboards.ca.gov](mailto:cannabisreg@waterboards.ca.gov), [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

US Army Corps of Engineers  
L. Kasey Sirkin, [L.K.Sirkin@usace.army.mil](mailto:L.K.Sirkin@usace.army.mil)

Humboldt County Planning and Building Department  
Cliff Johnson, [CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)

California Department of Fish and Wildlife  
Greg O'Connell, [gregory.oconnell@wildlife.ca.gov](mailto:gregory.oconnell@wildlife.ca.gov)



Thursday, May 28, 2020

Grindstone Ridge Gardens  
P.O. Box 1536  
Redway, CA 95560

### **Grindstone Ridge Gardens Property – Relocation of Existing Cultivation to Environmentally Superior Location**

This document has been prepared pursuant to Section 55.4.10(j) of the Humboldt County Commercial Medical Marijuana Land Use Ordinance. Applications to permit or relocate existing Commercial Cannabis Activity may be required to secure the services of a Registered Professional Forester to evaluate site conditions and conversion history for the parcel and provide recommendations as to remedial actions to bring the conversion area into compliance with the provisions of the Forest Practice Act. In this particular case, no conversion was observed, as the existing cultivation area occupies a former meadow near the home. However, through this process, the landowners have been advised of their rights and obligations regarding conversion. The existing site is clean and organized with a home and well-managed gardens. Slash is minimal or non-existent around the homestead, and the landowner is obviously well-informed about fire-hazard reduction and mitigation.

In working with the County to permit the property for long-term sustainable cultivation of cannabis, the County has encouraged the applicant to consider moving the existing cultivation site to a new more appropriate and less steep location. This new site has the backing of California Department of Fish and Wildlife and the State Water Resources Control Board. Restoration Forestry, Inc. was asked by the applicant to review the site, provide professional forestry services, timber harvest oversight and to prepare a Less Than 3-acre Conversion Exemption for siting an engineered rain-water catchment pond for fire-water and recreation adjacent to the new superior cultivation site. A homesite for the landowner will be converted uphill of the garden and will allow construction of a new home and appurtenant outbuildings.

### **Contact Information**

Timber/Timberland Owner of Record:

J. John Miller, Jr.  
P.O. Box 1536  
Redway, CA 95560

Registered Professional Forester:

Timothy A. Metz, RPF #2601  
1593 Old Briceland Road  
Garberville, CA 95542

### **Location**

Address: 3790 Thomas Road, Salmon Creek, Miranda, CA  
APN: 221-051-007 and 221-061-017  
Acreage: 120 acres  
Zoning: Unclassified

### **Description**

The Grindstone Ridge Gardens property is mixed hardwood conifer timberland typical of southern Humboldt County. Species include Douglas-fir, tanoak and pacific madrone with nearby Geoffrey pine on an ultramafic (serpentine) outcrop that makes this forest alliance unique and special. The property was last harvested prior to 1993, though the California Department of Forestry and Fire Protection could not provide a THP number or restocking date due to its Department-wide switch to the CalTREES system which has put older plans out of reach for research for the foreseeable future.

Historic aerial photos collected by the RPF show this harvest clearly in the 1993 photos. During this CEQA compliant harvest, areas of the property were converted to transportation system and were thus converted permanently from forest to non-forest through the THP process. The area contemplated by the landowners for relocating the cultivation area and placing the new engineered pond is a former landing that has been extensively modified for skidding, stacking and loading timber on trucks for transportation to the sawmill.

This area is adjacent to the main haul road that connected Mattole Canyon Creek to the Thomas Road and Highway 101. This haul road is visible on historical photos and was clearly a major transportation feature on the ground when the RPF visited the site on two occasions. This road has been evaluated by the landowner's engineers, and they have developed a remediation plan that includes repairs to the road including new culverts and remediation of a spring on the cutbank of the road between the house and the new cultivation site.

The RPF has reviewed the relocation site and inspected the few small Douglas-fir stumps that were created through firewood harvest by the landowners in the relatively recent past. These Douglas-fir stumps are all aged between 22 and 25 years lining up perfectly with having established themselves on the landing directly after its use in the last harvest. The RPF has determined that no conversion of forest or forest resources would take place on the site to where the garden would be relocated as it will occupy a grassy opening and a portion of the forest products landing and haul road.

The landowners plan to permanently convert the flat and partially reforested portion of the landing adjacent to the re-located cultivation site into a pond for fire protection and recreation. Installation of an engineered pond will preclude re-use of this important forest management infrastructure for future timber harvest, so the RPF has prepared a Less Than 3 Acre Conversion Exemption for that portion of the landing that will be converted to the rain-water catchment pond. Additionally, an area above the new cultivation site will be converted to accommodate a new well-built home and outbuildings.

The following excerpt of the Public Resources Code is provided to the landowner to help guide future thinning and cleanup operations around and adjacent to the home and gardens on the property.

PRC 4584 (i)(1)-(2)(A)

(i) (1) The cutting or removal of trees in compliance with Sections 4290 and 4291 that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuel break for a distance of not more than 150 feet on each side from an approved and legally permitted structure that complies with the California Building Standards Code, when that cutting or removal is conducted in compliance with this subdivision. For purposes of this subdivision, an "approved and legally permitted structure" includes only structures that are designed for human occupancy, garages, barns, stables, and structures used to enclose fuel tanks.

(2) (A) The cutting or removal of trees pursuant to this subdivision is limited to cutting or removal that will result in a reduction in the rate of fire spread, fire duration and intensity, fuel ignitability, or ignition of the tree crowns and shall be in accordance with any regulations adopted by the board pursuant to this section.

(B) Trees shall not be cut or removed pursuant to this subdivision by the clearcutting regeneration method, by the seed tree removal step of the seed tree regeneration method, or by the shelterwood removal step of the shelterwood regeneration method.

(3) (A) Surface fuels, including logging slash and debris, low brush, and deadwood, that could promote the spread of wildfire shall be chipped, burned, or otherwise removed from all areas of timber operations within 45 days from the date of commencement of timber operations pursuant to this subdivision.


(B) (i) All surface fuels that are not chipped, burned, or otherwise removed from all areas of timber operations within 45 days from the date of commencement of timber operations may be determined to be a nuisance and subject to abatement by the department or the city or county having jurisdiction.

Landowner of Record: J JOHN MILLER JR

Signature: 

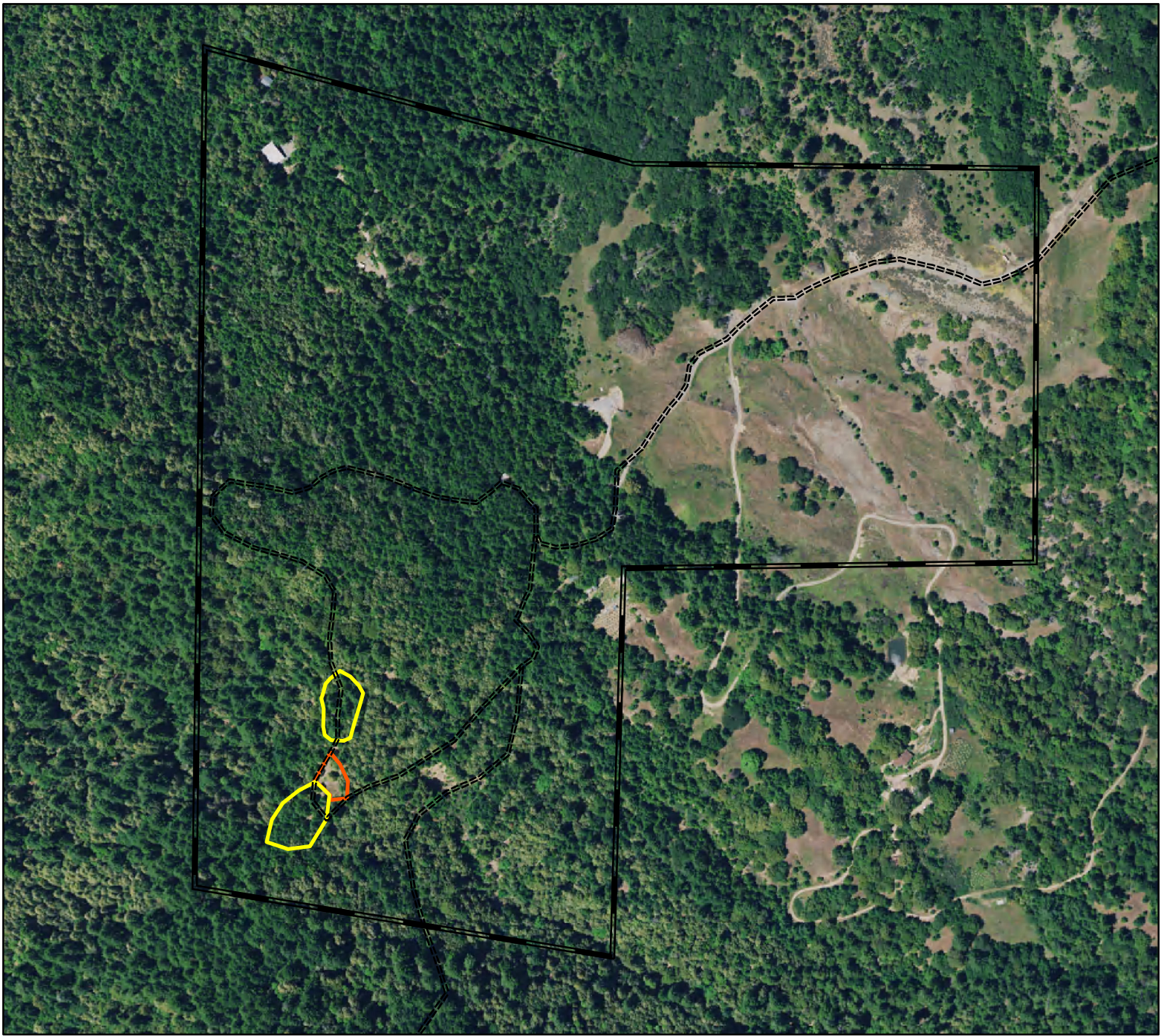
Date: 6-13-20

Registered Professional Forester: Timothy A. Metz, RPF #2601

Signature: 

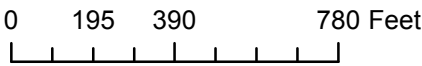
Date: May 28, 2020





# Grindstone Ridge Gardens

Sections 8 and 9  
Township 3S, Range 2E  
HB&M



## Legend

-  Grindstone Ridge Gardens
-  Garden Site
-  Less Than 3 Acre Conversion
-  Existing Seasonal Haul Road

2016 NAIP Color Aerial Photography

1:5,500



Produced by:  
Restoration Forestry, Inc.

Projection:  
UTM NAD 83 Zone 10N

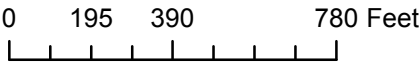
Date: 6/12/2020





# Grindstone Ridge Gardens


Sections 8 and 9  
Township 3S, Range 2E  
HB&M



1:5,500



## Legend

 Grindstone Ridge Gardens

1993 Historical Aerial Imagery

Produced by:  
Restoration Forestry, Inc.

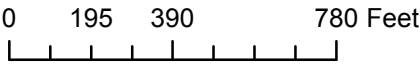
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UTM NAD 83 Zone 10N

Date: 6/12/2020



Grindstone Ridge Gardens



Sections 8 and 9  
Township 3S, Range 2E  
HB&M



1:5,500



Legend

-  Less Than 3 Acre Conversion
-  Grindstone Ridge Gardens

1993 Historical Aerial Imagery

Produced by:  
Restoration Forestry, Inc.

Projection:  
UTM NAD 83 Zone 10N

Date: 6/12/2020





# Grindstone Ridge Gardens

Sections 8 and 9  
Township 3S, Range 2E  
HB&M

0 195 390 780 Feet

## Legend

-  Grindstone Ridge Gardens
-  Garden Site
-  Less Than 3 Acre Conversion
-  Existing Seasonal Haul Road

1993 Historical Aerial Imagery

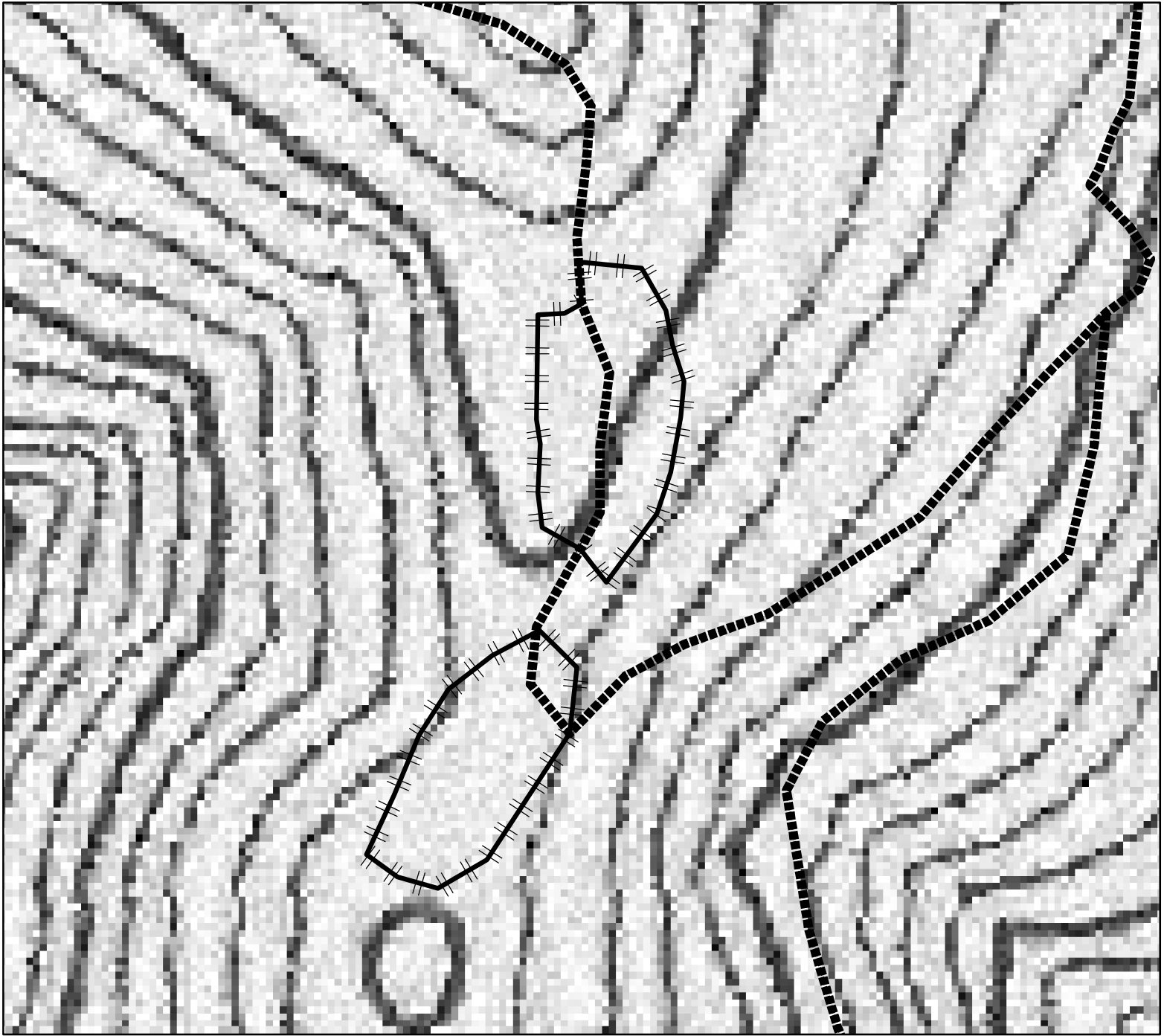
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Produced by:  
Restoration Forestry, Inc.

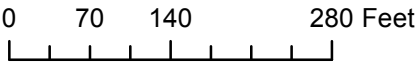
Projection:  
UTM NAD 83 Zone 10N

Date: 6/12/2020



# John Miller Conversion

Sections 8 and 9  
Township 3S, Range 2E  
HB&M



1:2,000



## Legend

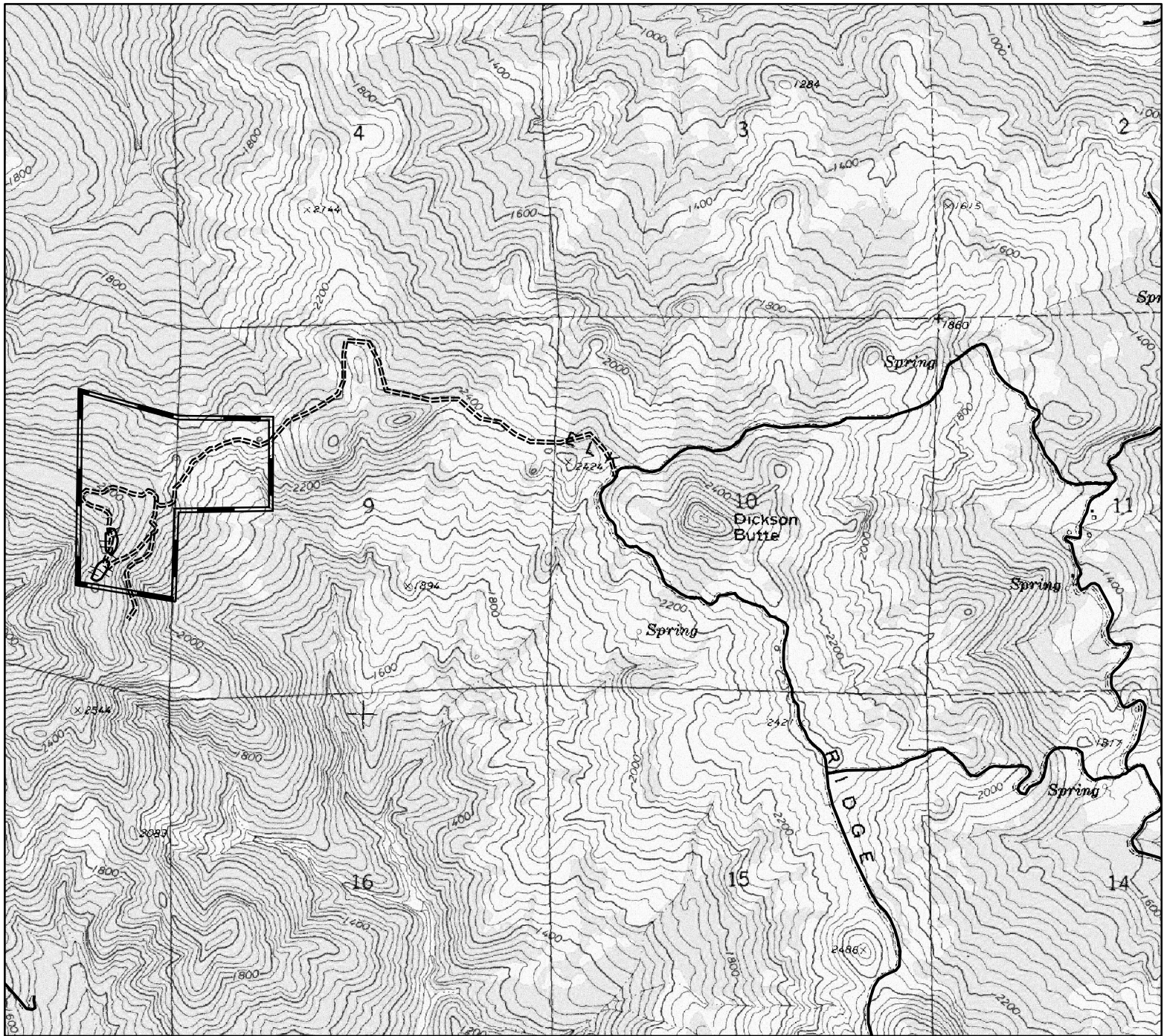
- Less Than 3 Acre Conversion
- Existing Seasonal Haul Road

Produced by:  
Restoration Forestry, Inc.

Projection:  
UTM NAD 83 Zone 10N

Date: 6/12/2020









# John Miller Conversion Access Map

Sections 8 and 9  
Township 3S, Range 2E  
HB&M

0 800 1,600 3,200 Feet

1:24,000

## Legend

-  John Miller Property
-  Less Than 3 Acre Conversion
-  Existing Seasonal Haul Road
-  Salmon Creek Road



Produced by:  
Restoration Forestry, Inc.

Projection:  
UTM NAD 83 Zone 10N

Date: 6/14/2020





# John Miller Conversion Location Map

Sections 8 and 9  
Township 3S, Range 2E  
HB&M

0 2,400 4,800 9,600 Feet

1:70,000



## Legend

 John Miller Property

Produced by:  
Restoration Forestry, Inc.

Projection:  
UTM NAD 83 Zone 10N

Date: 5/28/2020

## 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
Public Works Land Use Division	✓	Conditional Approval	Attached
Environmental Health Division	✓	Conditional Approval	Attached
CALFIRE	✓	Accept TCER	Attached
Building Inspection Division	✓	Other Comments	Attached
NWIC	✓	Further Study	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Avoid Disturbance to Cultural Resources Site, Adhere to Heightened Inadvertent Discovery Protocol	On file with Planning
Bureau of Land Management			
CA Department of Fish & Wildlife			
RWQCB			
Humboldt County District Attorney			
Humboldt County Agricultural Commissioner			
Humboldt County Sheriff	✓	No comment	
Southern Humboldt Joint Unified School District			
NCUAQMD			
District Attorney			
Intertribal Sinkyone Wilderness Council			
Division of Water Rights			



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

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

ARCA1A-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION

839-5401

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	257-9540
ENGINEERING	445-7377	PARKS	445-7551
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7366

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 3-29-2018

RE:

Applicant Name	Grindstone Ridge
APN	221-051-007
APPS#	12198 CUP16-565

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

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

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //



## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12128

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //

## Exhibit "D"

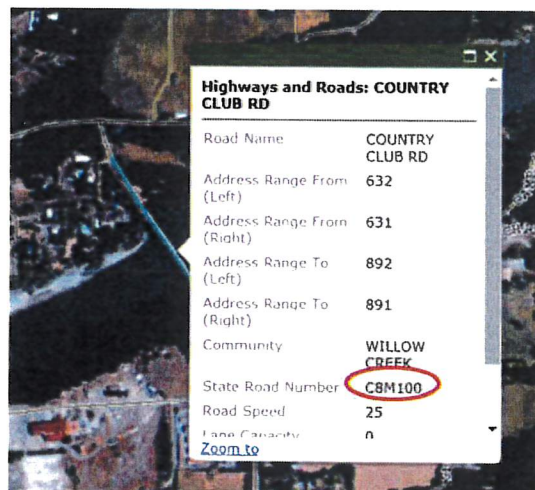
### Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

**ABCDDD**

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



## Exhibit "D"

### Road Evaluation Reports

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

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

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

<b>"APPROVED LIST"</b>		
<b>List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

**Exhibit "D"**  
**Road Evaluation Reports**

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M. 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //



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

DEH received

11-17-17

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

17/18-1086

**Project Referred To The Following Agencies:**

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

**Applicant Name** Grindstone Ridge **Key Parcel Number** 221-051-007-000

**Application (APPS#)** 12198 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-565

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

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

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

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

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

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

Conditional Approval

**DISTRIBUTED**

3-20-18

**Comments:**

DEH recommends approval with the following conditions:

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

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

(3) A composting toilet and pit privy were shown on the site map provided. **Discontinue the use of and decommission the composting toilet and pit privy.** Disposal of the end product must be in accordance with HCC § 615-6: bury remaining night soil below 18" of compacted soil, above ground water, no closer than 50' to ephemeral stream and no closer than 100' of perennial stream. Alternatively, obtain approval of Composting toilet and pit privy from DEH.

\*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 Hazardous Waste Program

7.746

requirements need to be addressed directly with staff from those programs.

Apps. # 12198  
cont.

**Response Date:** 3/20/2018 **Recommendation By:** Joey Whittlesey

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

The Department has no comment at this time.

Suggested conditions attached.

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

Recommend denial.

Other comments.

Date:

Name:

**Forester Comments:**

Date:

Name:

**Battalion Chief Comments:**

**Summary:**





3/26

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

11/17/2017

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

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

**Applicant Name** Grindstone Ridge **Key Parcel Number** 221-051-007-000

**Application (APPS#)** 12198 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-565

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 12/2/2017**

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: 3-23-18

PRINT NAME: Gustin Dumlac

221-051-007



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

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

## Building Division's Referral Comments for Cannabis Operations:

Application No.: 12198 (45657)  
Parcel No.: 221-051-007  
Case No.: CUP 16-565

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

- ☐ Site/plot plan appears to be accurate.
- ☒ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: \_\_\_\_\_
- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: See photos @ CUP 16-565 - folder 221-051-007  
minor revisions to plot plan, show GH @ CA2, adjust CA sizes.

Name: \_\_\_\_\_

Justin Dumlaker

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

3-23-18

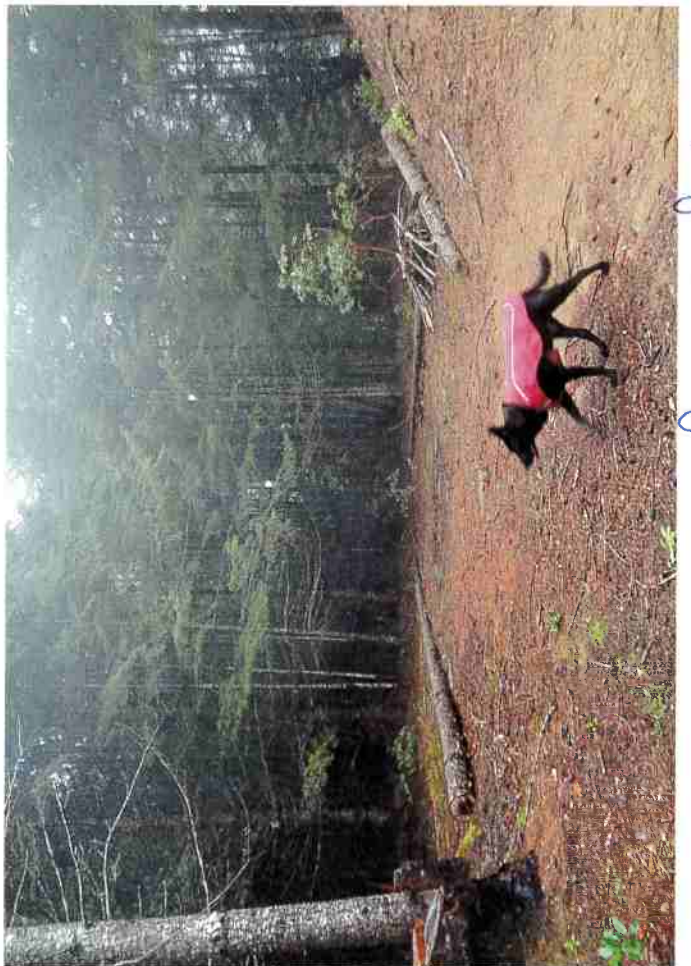
Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.



East Gate Culvert DRC #7



Proposed CA #4



3/22/18 201-051-007  
Proposed Pond near CA 4

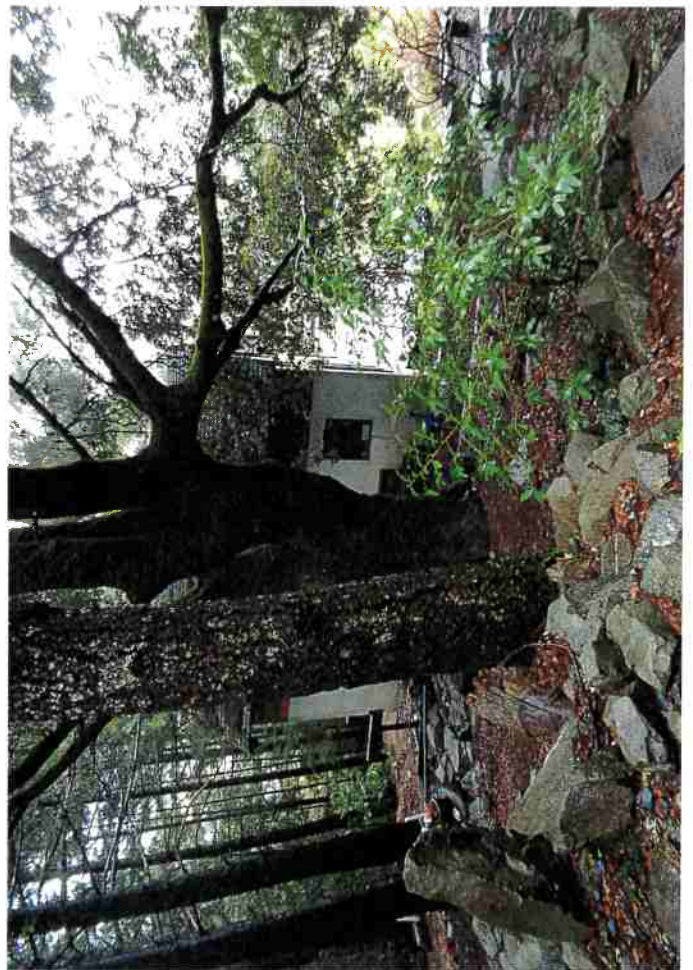




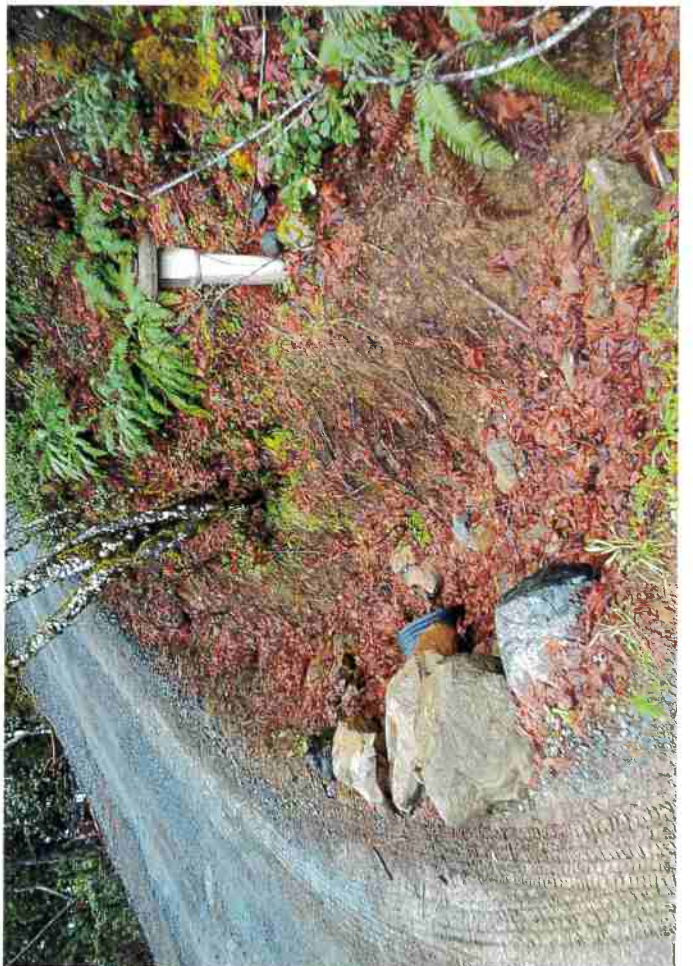
Spring



Residence



Well



3/6/18 201-051-007 DRC #7



Laundry Room



Veggi garden



CA1 CA2 (GH)



CA1 CA2 (GH)



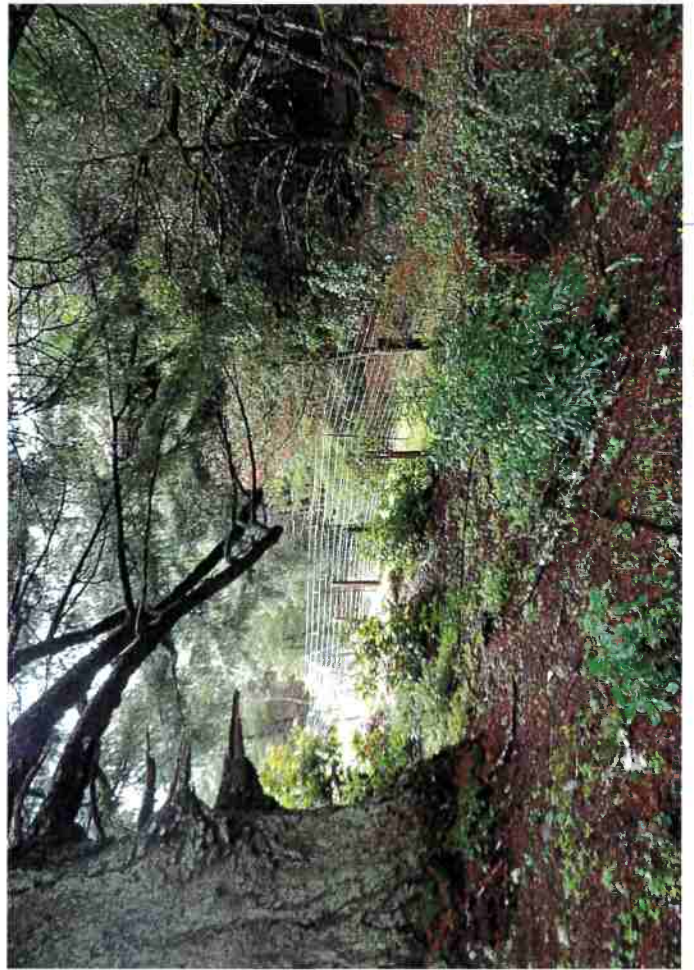
CA 2 (GH) not shown



Tanks



CA 3 200-150-100 8/1/20



CA 4



Pod 2



SC 14 SC 2

Tanks





PID 2



3/20/18 8/1/2018 400-150-100