



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: February 18, 2021

To: Humboldt County Planning Commission

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

Subject: **Rising Sun Ranch Farms, Inc. Conditional Use Permit**
Application Number PLN-11745-CUP
Assessor's Parcel Number (APN) 316-331-012
Redwood Valley Area

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Please contact Jasmine Wurlitzer, assigned Planner, at 916-414-5831 or by email at jasmine.wurlitzer@aecom.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 18, 2021	Conditional Use Permit	Jasmine Wurlitzer

Project Description: Rising Sun Ranch Farms, Inc. seeks a Conditional Use Permit (CUP) for an existing 13,048 square foot (SF) outdoor cannabis cultivation operation. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 5,500 gallons in two (2) hard tanks. Estimated annual water usage is 235,200 gallons (18 gal/SF). Drying and bucking occurs onsite. Until the applicant can permit an on-site processing building, the applicant will process cannabis at a licensed off-site processing facility. Up to five (5) employees may be utilized during peak operations. Power is provided by three (3) generators and a solar array.

Project Location: The project is located in the Redwood Valley area, on the north side of State Highway 299, approximately 2.2 miles north from the intersection of State Highway 299 and Old Three Creeks Road, and approximately 0.5 miles east from the intersection of Old Three Creeks Road and a private driveway, on the property know to be in Section 6, 5, 8 of Township 06 North, Range 04 East, Humboldt Base and Meridian (APN 316-331-012).

Present Plan Land Use Designations: Timberland (T), 2017 General Plan, Density 40-160 acres per unit, Slope Stability: Moderate instability (2)

Present Zoning: Timberland Production Zone (TPZ)

Record Number: PLN-11745-CUP

Assessor's Parcel Number: 316-331-012

Applicant

Rising Sun Ranch Farms, Inc.
C/O Namid Roshawn Beere
PO Box 10
Bayside, CA 95524

Owner

Namid Roshawn Beere
PO Box 444
Bayside, CA 95524

Agents

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

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

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

Major Issues: None

Recommended Commission Action

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

Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Rising Sun Ranch Farms, Inc. Conditional Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Rising Sun Ranch Farms, Inc. seeks a Conditional Use Permit to allow the continued operation of an existing 13,048 square foot (SF) outdoor light-deprivation cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Timberland (T) land use in the Humboldt County 2017 General Plan Update and is zoned Timberland Production Zone (TPZ). Cultivation currently takes place in two (2) Cultivation Areas onsite in seven (7) greenhouses totaling 8,245 SF of light-deprivation outdoor cultivation. One (1) former 5,088 SF outdoor "guerilla grow" site, located south of the existing greenhouses, has been decommissioned and is proposed for relocation adjacent to existing onsite greenhouses. A 1,300 SF nursery is also proposed as part of the project, to be located adjacent to existing cultivation greenhouses. Cultivation in the outdoor guerilla grow consisted of 108 grow bags scattered along a slope in the southwest portion of the property. This guerilla grow is proposed to be decommissioned and relocated to four (4) proposed greenhouses and three (3) proposed greenhouse expansions totaling 5,050 SF. The proposed greenhouses and expansions are in the established cultivation areas adjacent to existing greenhouses, which are on reduced slopes and beyond all watershed buffers.

Two harvests are anticipated annually during the growing season which extends from March to October. Drying occurs onsite in two (2) existing drying sheds with dimensions of 400 SF and 280 SF. Until the applicant can permit an on-site processing facility, the applicant will process cannabis at a licensed off-site processing facility. Up to five (5) employees may be utilized during peak operations. Power is provided by three (3) generators (i.e., one (1) 2 kW, one (1) 3kW, and one (1) 7 kW) and a solar array. The parcel is fenced and all access roads are gated. There are security cameras located at the gates and cultivation areas, and the site is monitored by a Dakota Alert System.

Timber Conversion

According to the Site Management Plan prepared by Green Road Consulting in June 2019 (Attachment 3), the parcel and surrounding areas were historically logged. Historical developments on this parcel include roads and landings which were once used for logging operations and were later upgraded for current uses by the applicant. The landings (flats) have been maintained and used by the applicant for cultivation. No timber conversion or grading has been documented for this project and no expansion of the project site has occurred since the CMMLUO baseline of January 01, 2016.

Onsite Relocation

A Pre-Existing Cultivation Area Investigation (Investigation) was prepared by Green Road Consulting for the subject parcel in May 2018 (Attachment 3). This Investigation determined that on-site cultivation at the time of the investigation included outdoor hoop-house greenhouses in their existing locations, as well as a guerilla grow consisting of 108 grow bags scattered along a steep (40%) slope in the southwest portion of the parcel. After County review of the report, the County was able to support 5,088 square

feet of existing full-term outdoor cultivation and 7,960 square feet of existing outdoor light-deprivation cultivation. The Site Plan (Attached) depicts the guerilla grow location.

As part of the Cultivation and Operations Plan (not dated; Attachment 3), Green Road Consulting recommended relocation and remediation of the guerilla grow. According to the Environmental Justification/Remediation Measures section of the Cultivation and Operations Plan, the relocation of the guerilla grow into greenhouses and ancillary facilities in the center of the property is justified in order to remove cultivation from steep slopes and protect the nearby Low Gap Creek watershed. The proposed relocation areas, as depicted on the Site Plan, are more centrally located in the parcel near existing cultivation greenhouses, on slopes ranging from 22.68-33.2%. According to the Cultivation Operations Plan, the guerilla grow has been out of use for some time, such that vegetation has returned to a natural state and there is no evidence of major grading or vegetation removal. According to the requirements of the Site Management Plan, to fully remediate the site, the applicant will remove disused cultivation related materials and armor bare soil with an approximately 2-inch layer of mulch that will be sowed with native grass and coyote brush seed. The project is conditioned on the complete restoration of decommissioned areas in accordance with the Site Management Plan and Cultivation Operations Plan.

Additionally, conditions of approval require the applicant to obtain grading permits from the Building Inspection Division for any proposed grading, including any grading required to remediate the decommissioned cultivation area and to reconstruct roads in accordance with the Site Management Plan.

Water Resources

Water for irrigation is provided by a permitted confined-aquifer groundwater well (16/17-0092) (Attachment 3); thus, no forbearance period is required by CDFW. The well is also registered with the California Department of Water Resources (WCR2017-002177). Existing available water storage is 5,500 gallons in two (2) hard tanks, one (1) with a capacity of 2,500 gallons and one (1) with a capacity of 3,000 gallons. According to the Water Usage and Cultivation Form prepared by Green Road Consulting for the project (Attachment 3), estimated annual water usage for cultivation is 235,200 gallons (18 gal/SF) with peak demand occurring in July and August at 38,640 and 40,320 gallons per month, respectively. Drip irrigation is utilized in the mornings for outdoor cultivation, and hand-watering occurs in the greenhouses. A copy of the Water Use table, as prepared by Green Road Consulting, is provided below as Table 1, which summarizes the total water use associated with the subject parcel as reported in 2016, by month, and broken out to differentiate that used for cultivation versus domestic use.

Water Use by Source (Gallons)													
Use from Source	Jan.	Feb.	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.	Total
Cultivation-Well	-	-	-	25,200	28,560	33,600	38,640	40,320	36,960	31,920	-	-	235,200
Domestic-Well	-	-	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	-	40,500

The Site Plan, prepared by Green Road Consulting in September 2019 (Attachment 3), depicts several unnamed Class III intermittent streams with their associated 50-foot Streamside Management Area (SMA) buffers and one (1) Class II stream (Low Gap Creek) with its associated 100-foot SMA buffer within the subject parcel. There are three (3) existing Class III stream crossings associated with onsite access roads. All greenhouses and other cultivation-related structures are shown on the Site Plan to be outside of the SMA buffers.

A Site Management Plan (SMP) was prepared in June 2019 by Green Road Consulting (Attachment 3) that includes recommended best practices for erosion control and water quality protection consistent with the North Coast Regional Water Quality Control Board Order RI-2015-0023 and the State Water Resources Control Board Cannabis General Order. The SMP identified six (6) sites requiring remediation work including removal of garbage, ditch relief, erosion control, maintenance of clogged culverts, installation of rolling dips, and remediation of decommissioned cultivation by October 2019. A final

Streambed Alteration Agreement (SAA) (1600-2018-0681-R1) (Attachment 3) with the California Department of Fish and Wildlife (CDFW) was issued in April 2019 allowing two encroachments to conduct maintenance on existing culverts at road and stream crossings. Per the issued SAA, the first encroachment involves the clearing of sediment and woody debris on an existing 24-inch diameter culvert on a Class II stream and the second encroachment includes clearing vegetation and woody debris from an existing 18-inch diameter culvert on a Class III stream. Per the SAA, the work is to be conducted when the stream is dry. Section 61.1.4.1 of the Humboldt County Streamside Management Area and Wetland Ordinance (SMAWO) allows routine maintenance activities associated with existing public or private facilities when conducted pursuant to a CDFW Lake or Streambed Alteration Agreement. These activities were included in the SMP and have been completed. The remaining improvements recommended under the SMP have not been carried out because permits for the project have not been issued. The project is conditioned to implement all remaining requirements of the SMP upon issuance of the project permits. The Applicant is enrolled in the SWRCB General Order (WDID 1_12CC418024).

Other measures to protect water quality include permitting an existing unpermitted Onsite Wastewater Treatment System (OWTS). Until the proposed OWTS is installed, the applicant will provide appropriate temporary sanitation facilities, such as portable toilets, for cultivation staff, and processing is required to occur at a licensed off-site processing facility until the OWTS is permitted by the Department of Environmental Health (DEH) and installed to the satisfaction of DEH. In addition to the permitting and installation of the OWTS, conditions of approval require the applicant to show continual use of portable bathroom facilities prior to the annual inspection of the permit.

Biological Resources

A search of the California Natural Diversity Database (CNDDB) biological resources database was conducted (On file and confidential), which did not show any known rare or sensitive species on the subject parcel. The nearest Northern Spotted Owl (NSO) sightings are within 0.2-miles of the parcel boundary, and the nearest NSO activity center is approximately 0.8-miles from the cultivation areas as proposed. Lands surrounding the site are heavily forested and, thus, there is high potential for NSO habitat. There is no mapped marbled murrelet habitat within 2 miles of the subject parcel.

Power is provided by one (1) Honda GX390 kilowatt generator, one (1) Honda GX200 generator, one (1) Honda GXR120 generator, and a small solar array for both domestic and cultivation purposes. Manufacturer's specifications and noise ratings for the specified generators are provided in the Cultivation and Operations Plan (Attachment 3), which range between 57 and 58 decibels. The project is conditioned such that generators shall have secondary containment for fluid catchment and noise attenuation to ensure the combination of background, generator, and greenhouse fan or other operational equipment created noise meets the noise level threshold and not exceed the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) which requires noise levels be at or below 50 dB at 100 feet or edge of habitat whichever is closer.. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS). Additionally, the project is conditioned to avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.

The Site Management Plan (SMP) (Attachment 3) and Cultivation and Operations Plan (Attachment 3) identify sensitive areas and include restoration efforts. As previously discussed, the decommissioned guerilla grow cultivation area will be relocated to an environmentally superior site in an upland area with reduced potential to impact biological resources including habitats that may be used by sensitive wildlife species. The relocated cultivation areas are more than 50 feet from Class III Streamside Management Areas (SMAs), which is greater than the required buffer and will operate on historic flats related to previous logging activities.

The project proposes only outdoor cultivation with no artificial lighting and is conditioned to ensure any supplemental lighting used for cultivation and security lighting adheres to Dark Sky Association

standards. The project is conditioned to refrain from using synthetic netting, to ensure refuse is contained in wildlife-proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife.

Additional measures to protect biological resources include drainage, runoff, and erosion control; watershed and habitat protection measures; and proper application, storage and disposal of fertilizers, pesticides, herbicides, and petroleum products. These measures are included in the project's Site Management Plan (Attachment 3). The project has a dedicated shed for fuel and another dedicated shed for nutrients near the cultivation area, as shown on the Site Plan (Attachment 3). All fertilizers, pesticides, herbicides, and rodenticides are mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Per the Site Management Plan, fertilizers, pesticides, and herbicides are applied at agronomic rates specified on the product label and the applicant keeps a log of their use for annual reporting to the SWRCB. All trash is locked up in the garbage storage unit onsite and is removed on a regular basis, where it is transported to a waste management facility. No trash or debris will be allowed to enter a watercourse or riparian setback area. The location of compostable cultivation waste is shown on the Site Plan, where it is stored in a location and manner where it cannot be transported to surface waters. Furthermore, all greenhouses and other cultivation-related structures are outside of the required SMA buffers.

As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Tribal Cultural Resource Coordination

The project is located in the Hoopa and Tsnungwe Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC), Hoopa Valley Tribe, and Tsnungwe Council in September 2019. A Cultural Resource Inventory Report was prepared in December 2017 by DZC Archaeology & Cultural Resource Management (On file and confidential). Cultural resources were documented onsite; however, cannabis activity is located more than 600 feet from identified cultural resources. The landowner has been advised of the nature and location of the cultural resource and the prohibition on expanding operations into the site boundaries, which is also included as a condition of approval. The Cultural Report indicated a low-to-moderate sensitivity for further unknown prehistoric resources and concluded that there will be no effect to historic, archeological, or Tribal resources, with a finding of no significant impacts to historic resources. Several recommendations are included in the Cultural Report, including the prohibition of ground disturbance within 30 feet of the archeology site boundary and the prohibition of cannabis cultivation within the boundaries of the archaeology site boundary, in addition to protocol in the event of inadvertent discovery of cultural resources or human remains onsite. These recommendations have been included as conditions of approval.

To date, only a response from NWIC has been received. The NWIC response letter dated October 2019 (On file and confidential) noted that the project is located in an area that should be considered sensitive for archaeological resources. However, since no resources were identified within the project area during the Cultural Resource Survey completed in 2017, no further study is recommended.

Ongoing conditions of approval are incorporated regarding compliance with the recommendations of the Cultural Study and the Inadvertent Discoveries Protocol to protect cultural resources. Additionally, the Cultivation and Operations Plan (Attachment 3) includes employee protocol and appropriate phone numbers to call if inadvertent discovery of human remains or archeological resources occurs.

Access

Access to the site is from an unnamed access road/driveway that connects to Old Three Creeks Road at approximately Post Mile (P.M.) 2.5. Old Three Creeks Road is a Category 4 partially County-maintained roadway that has been previously classified as meeting or being equivalent to a Category 4 standard and is adequate to accommodate the proposed use. Old Three Creeks Road from Highway 299 to P.M. 2.98 is on the Department of Public Works approved list for use by commercial cannabis operations (see Attachment 4). From Old Three Creeks Road, a private road/driveway is followed for approximately 1.0 mile to the entrance to the project site. The Applicant has self-certified and submitted a Road Evaluation

Report with photographic documentation prepared by Green Road Consulting, dated September 2019 (Attachment 3), verifying that the access road/driveway is developed to the equivalent of a road Category 4 standard. The road maintains a general width of 20 feet and pinch points possess sufficient visibility and adequate space to allow vehicles to pass. In their referral response comments for the project, dated October 2019, the Department of Public Works requested two conditions relating to visibility and intersection improvements (Attachment 4); both conditions are incorporated into the conditions of approval for the proposed project.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

RECOMMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

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

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-
Record Number PLN-11745-CUP
Assessor's Parcel Number: 316-331-012**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Rising Sun Ranch Farms, Inc. Conditional Use Permit.

WHEREAS, Rising Sun Ranch Farms, Inc., submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 13,048 square foot (SF) outdoor cannabis cultivation operation with ancillary immature plant storage, drying, and processing activities;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) 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, the Humboldt County Planning Commission held a duly-noticed public hearing on February 18, 2021 and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow 13,048 square foot (SF) outdoor cannabis cultivation operation with ancillary immature plant storage, drying, and processing activities. Drying and bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. Irrigation water is sourced from a permitted groundwater well.

EVIDENCE: a) Project File: PLN-11745-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) CEQA Addendum prepared for the proposed project.

 b) The proposed project does not present substantial changes that would require major revisions to the previous MND. 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

 c) A Site Management Plan (SMP) was prepared by Green Road Consulting in June 2019 to show compliance with the State Water Resource Control Board Cannabis General Order (2017-0023-DWQ).

- d) No timber conversion or grading has been documented for the project and no expansion of the project site has occurred since the CMMLUO baseline date of January 1, 2016.
- e) The Cultivation and Operations Plan prepared by Green Road Consulting for the project (not dated) includes an Environmental Justification/Remediation Measures section that demonstrates that the project would remove existing cultivation from environmentally sensitive areas, allowing those areas to return to open space use, and relocate the cultivation to environmentally superior upland sites with reduced potential to impact the watershed and biological resources, including habitats that may be used by sensitive wildlife species.
- f) The California Natural Diversity Database (CNDDDB) did not show any known rare or sensitive species on the subject parcel. Northern Spotted Owl habitat exists in the vicinity and the nearest activity center is approximately 0.8 miles from the project site. There is no mapped marbled murrelet habitat within 2 miles of the subject parcel. Power is provided by two (2) generators. The project is conditioned such that combined noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The project is conditioned such that project-generated noise will be at or below 50 decibels at 100 feet, which is below the guidance established by the CDFW for protection of the species. The project is also conditioned to avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.
- g) A Cultural Resources Investigation Report was prepared by DZC Archaeology & Cultural Resource Management in December 2017 that concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.
- h) The Applicant has self-certified and submitted a Road Evaluation Report with photographic documentation prepared by Green Road Consulting, dated September 2019, for the unnamed access road used by the operation, which identified that the road is suitable for safe access to and from the project site.
- i) There are seven (7) Class III drainages and one (1) Class II stream (Low Gap Creek) on the project site. All greenhouses and other cultivation-related structures are shown on the Site Plan to be outside of the required 50- and 100-foot SMA buffers (HCC 314-61.1).
- j) The Cultivation and Operations Plan and Site Management Plan for the project identify sensitive areas and include restoration efforts. The existing guerilla grow cultivation area will be relocated to an environmentally

superior site in an upland area with reduced potential to impact biological resources including habitats that may be used by sensitive wildlife species. The relocated cultivation areas are more than 50 feet from Class III stream Streamside Management Areas (SMAs), which is greater than the required buffer.

The SMAWO allows routine maintenance activities in SMAs associated with existing public or private facilities when conducted pursuant to a Department of Fish and Wildlife (CDFW) Lake or Streambed Alteration Agreement (HCC Section 314-61.1.4.1). A final Streambed Alteration Agreement (SAA) (1600-2018-0681-R1) with the CDFW was obtained in April of 2019 allowing two encroachments to conduct maintenance on existing culverts at road and stream crossings. These activities were included in the SMP and have been completed.

FINDINGS FOR CONDITIONAL USE PERMIT

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type permitted in the Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned primarily for timberland, but where agricultural uses are principally permitted. The use of old logging flats on the parcel for cannabis cultivation is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing Timberland Production (TPZ) zone in which the site is located.
- EVIDENCE**
- a) The Timberland Production Zone (TPZ) is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Principal permitted uses compatible with timber production include grazing and other agricultural uses.
 - b) All general agricultural uses are principally permitted in the TPZ zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre in size subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application to permit 13,048 square feet of existing outdoor cultivation on a 83 acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
 - b) The parcel known as APN 316-331-012 is comprised of one separate patent parcel dated May 12, 2020 as recorded in Assessor's Map Book 312 page

33. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.

- c) Irrigation water is sourced from a non-diversionary water source consisting of a private well(Permit No. 16/17/0092; WCR2017-002177).
- d) The Applicant has self-certified and submitted a Road Evaluation Report with photographic documentation prepared by Green Road Consulting, dated September 2019. All road segments evaluated were found to be functionally appropriate for the expected traffic.
- e) The existing cultivation areas, and proposed relocation sites occur on historic logging flats and related developments created in the 1990's. The slope of the land where cannabis will be cultivated is less than 30%.
- f) The cultivation of cannabis will not result in the net conversion of timberland as cultivation currently occurs on old logging flats and the former guerilla grow is proposed for relocation into greenhouses to be located adjacent to existing greenhouses, where no tree removal would be required.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11. d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 13,048 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified by the applicant to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a groundwater well that has been permitted by the Environmental Health Department (Permit No. 16/17/0092, WCR2017-002177).
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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.

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element. However, the parcel is developed with a single-family residence and the approval of cannabis cultivation on this parcel will not conflict with the ability of the existing residence onsite to continue to be utilized.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Rising Sun Ranch Farms, Inc., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on February 18, 2021

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

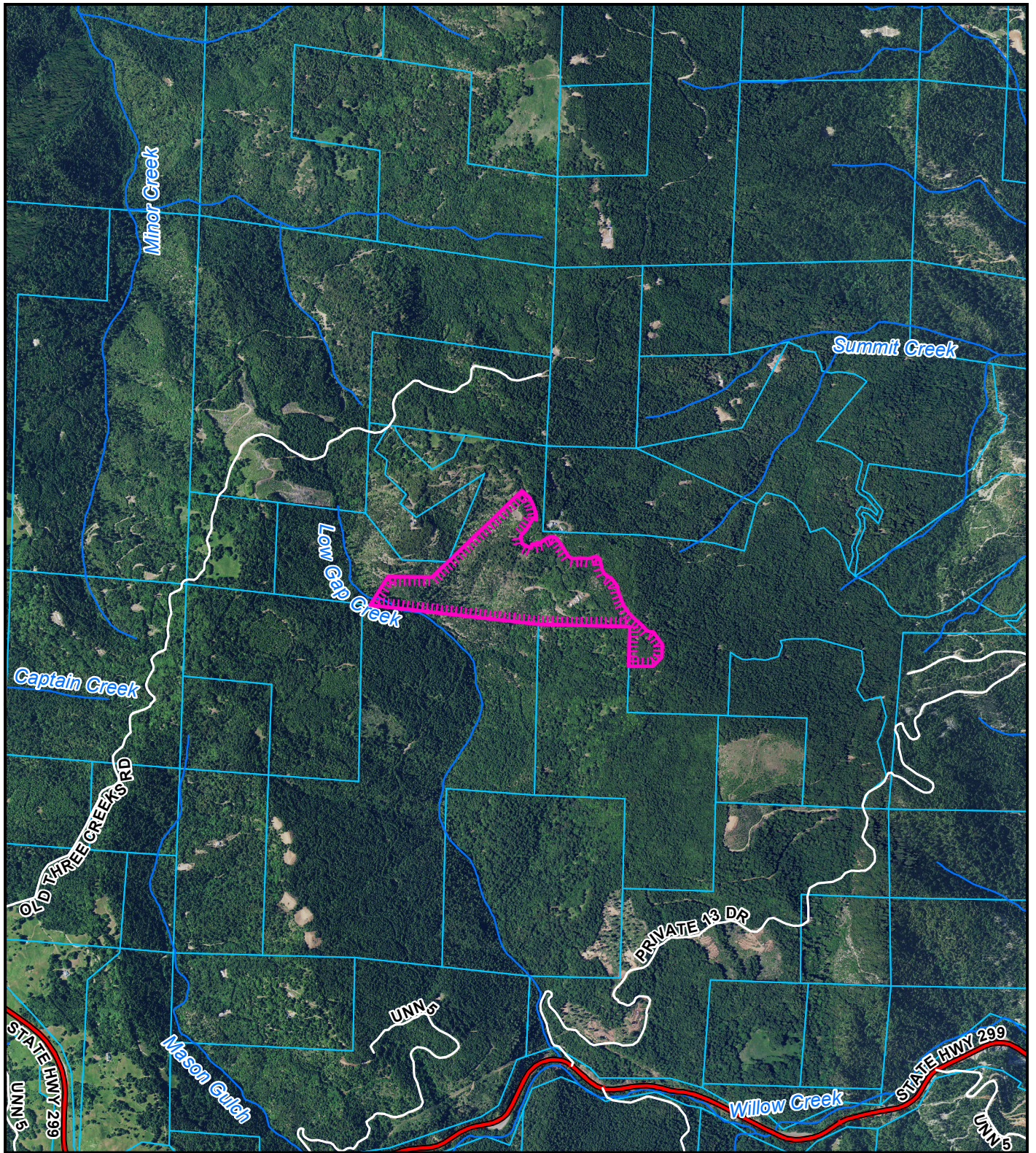
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

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

John Ford, Director
Planning and Building Department



**AERIAL MAP
PROPOSED ROSHAWN BEERE
REDWOOD VALLEY AREA
CUP-16-374**

APN: 316-331-012-000

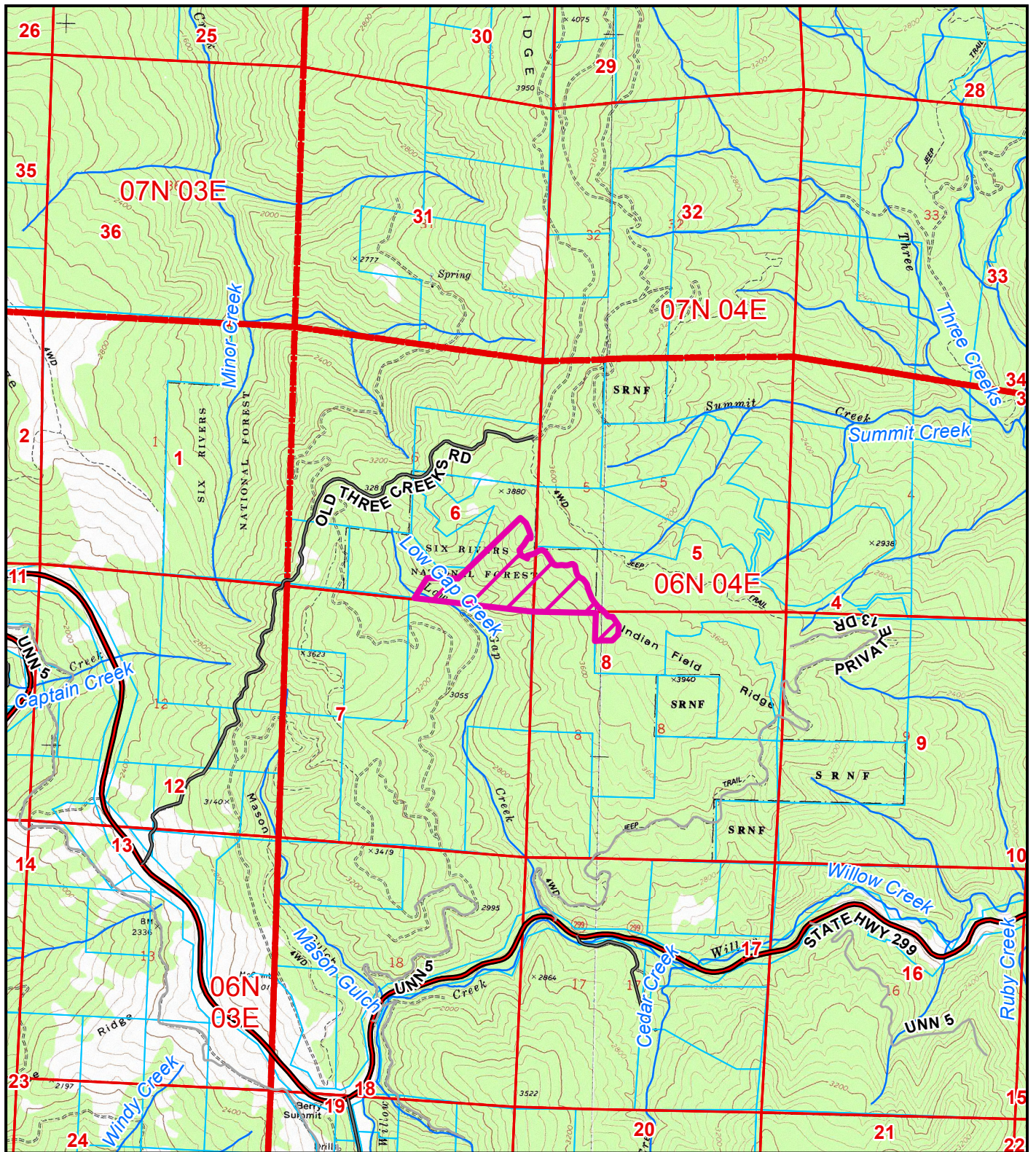
T06N R04E S6; S5; S8 HB&M (LORD-ELLIS SUMMIT)

Project Area = 

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

0 1,000 2,000 4,000 Feet





**TOPO MAP
PROPOSED ROSHAWN BEERE
REDWOOD VALLEY AREA
CUP-16-374**

Project Area = 

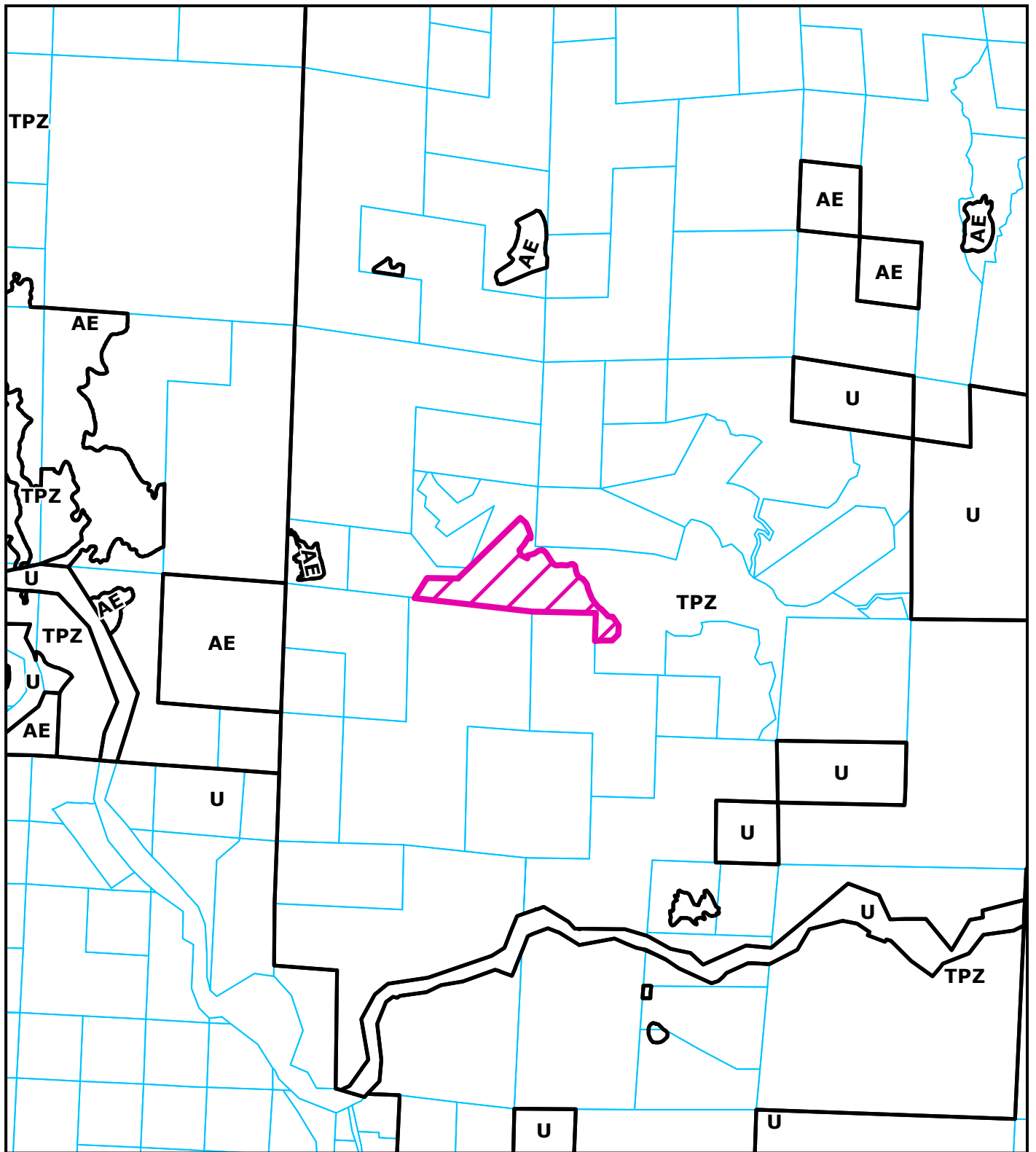
APN: 316-331-012-000

T06N R04E S6; S5; S8 HB&M (LORD-ELLIS SUMMIT)

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

0 0.3 0.6 1.2 Miles





Project Area =

ZONING MAP
PROPOSED ROSHAWN BEERE
REDWOOD VALLEY AREA
CUP-16-374
APN: 316-331-012-000
T06N R04E S6; S5; S8 HB&M (LORD-ELLIS SUMMIT)

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.

RISING SUN RANCH FARMS,INC.

APN:316-331-012

VICINITY MAP

NOT TO SCALE



PROJECT DIRECTIONS

FROM: EUREKA, CA
 HEAD NORTH ON U.S.-101N(9.5Mi)
 TAKE EXIT 716A FOR C.A.-299E(0.2Mi)
 CONTINUE ONTO C.A.-299E(26.6Mi)
 TURN LEFT ONTO OLD 3 CREEKS
 RD.(2.4Mi)
 TURN RIGHT AT DIRT ROAD

TRAVEL TIME

APPROXIMATELY: 50 MINUTES (39.1Mi)

SHEET INDEX

CP-COVER PAGE
 C1-PARCEL OVERVIEW
 C2-SITE PLAN A

PROJECT INFORMATION

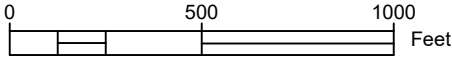
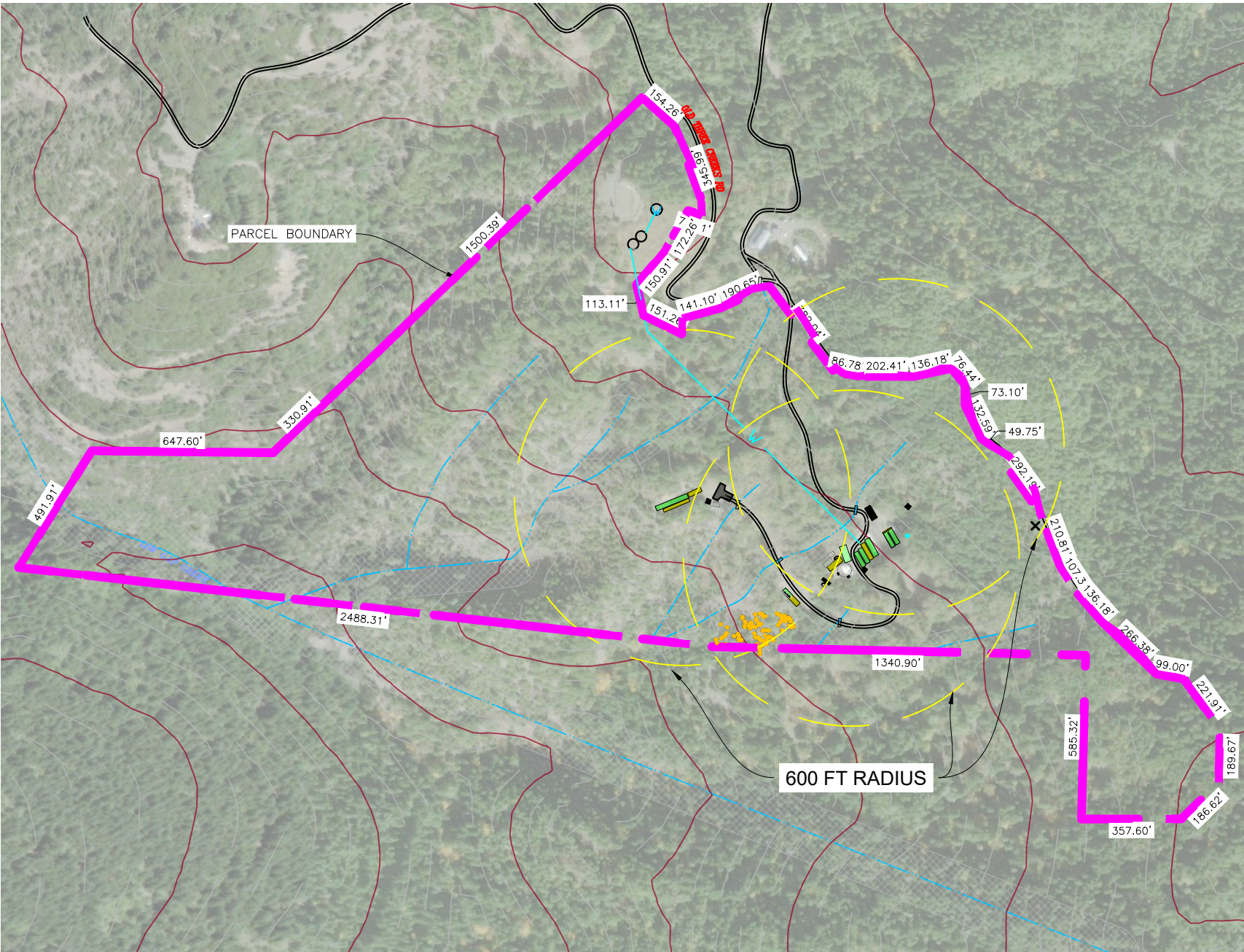
LAT/LONG: 40.9263,-123.7574
 APN:316-331-012
 APPLICANT:RISING SUN RANCH
 FARMS,INC
 PARCEL SIZE: ±83 ACRES
 ZONING: TPZ
 APPLICATION TYPE: TYPE 3 OUTDOOR
 USE PERMIT

COASTAL ZONE: N
 100 YEAR FLOOD: N

AGENT:

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

AERIAL MAP



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



PROJECT INFORMATION

PROPERTY OWNER	NAMID ROSHAWN BEERE
APN	316-331-012
SHEET INFO	COVER PAGE

REVISIONS

NO.	NOTES	DATE

DATE 11/13/20
 DRAFTER DDV
 SCALE AS SHOWN

SHEET
 CP

11/13/2020 - X:_Projects\BeeHu.B16.12\CAD\CULTIVATION MAPS\BEE-331-012-CUL.dwg - 12:09 PM - GRC

PARCEL OVERVIEW

APN:316-331-012

SHEET INFORMATION

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
YURT	TEMPORARY HOUSING/TRASH & RECYCLING STORAGE	30Ø	2015
CABIN	TEMPORARY HOUSING	13'x20'	2009

WATER STORAGE AND USE

TYPE	DATE OF INSTALLATION	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	2014	1	2,500	2,500
HDPE TANK	2014	1	3,000	3,000

TOTAL AMOUNT OF WATER STORAGE= 5,500 GALLONS

WATER SOURCE

TYPE	LAT/LONG
WELL (FOR CULTIVATION & DOMESTIC USE)	40.9290, -123.7576

SURROUNDING BUILDINGS

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

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

LEGEND

STREAM CROSSING



CLASS II STREAM WITH REQUIRED 100 FT BUFFER



UNNAMED CLASS III STREAM WITH REQUIRED 50 FT BUFFER

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



PROJECT INFORMATION

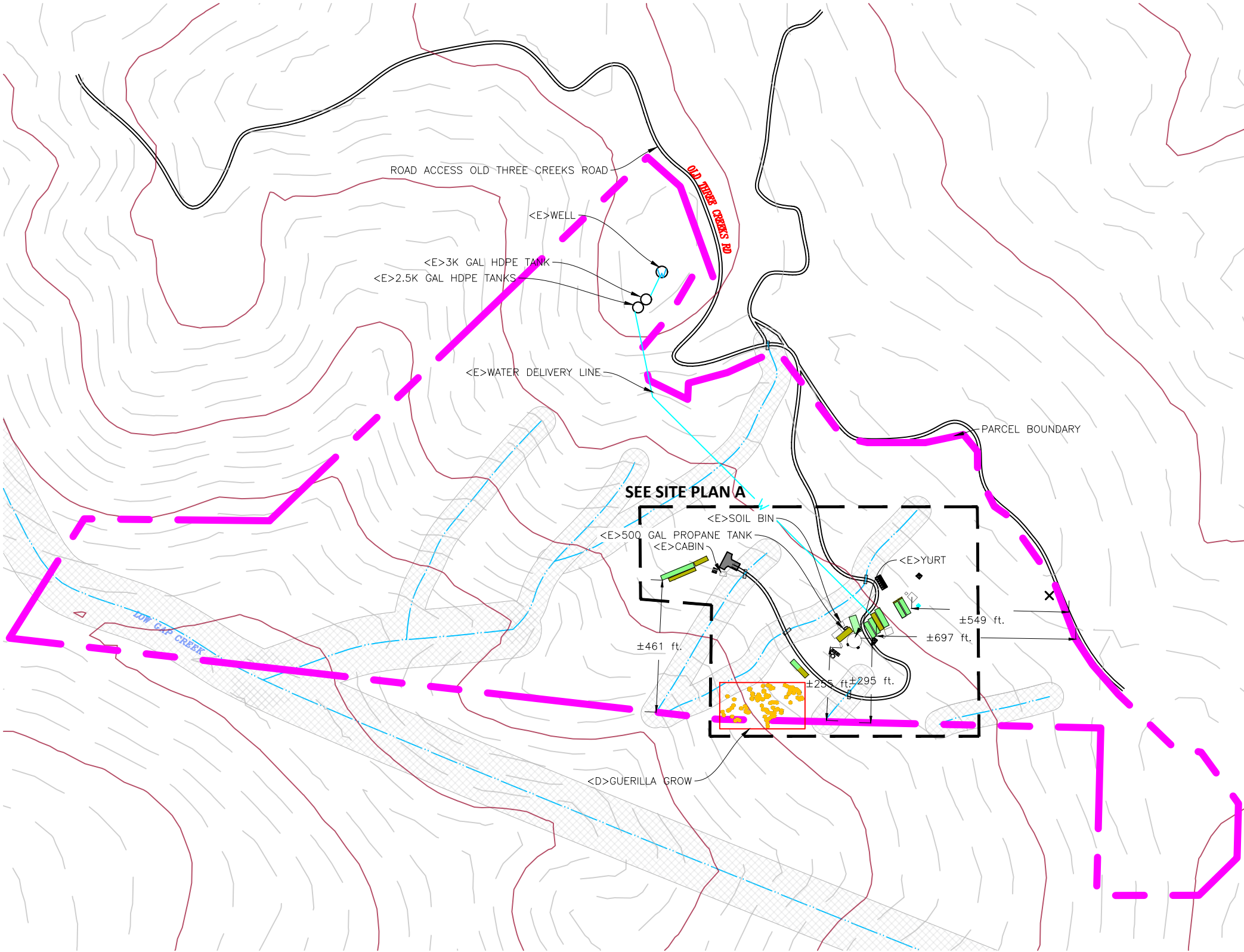
PROPERTY OWNER NAMID ROSHAWN BEERE
APN: 316-331-012
SHEET INFO PARCEL OVERVIEW

REVISIONS

NO.	NOTES	DATE

DATE 11/13/20
DRAFTER DDV
SCALE AS SHOWN

SHEET
PO



APN:316-331-012



PROPERTY OWNER: NAMID RUSHAWN BEERE

APN: 316 331 013

AL N:	310-331-012
FEET INFO	PREMICES

SHEET INFO

PREMISES

EVISIONS

[illegible]

DATE	11/13/20
DRAFTER	DDV
SCALE	AS SHOWN

SHEET
C2

GH	LENGTH		WIDTH	SQ FT
1	130	X	16	2,080
2	37	X	18	666
3	60	X	16	960
4	60	X	16	960
5	70	X	20	1,400
6	60	X	16	960
7	60	X	16	960

GH	LENGTH		WIDTH	SQ FT
2	37	X	18	666
6	4	X	16	64
7	4	X	16	64
8	50	X	16	800
9	60	X	20	1,200
10	100	X	12	1,200
11	66	X	16	1,056

GUERRILLA GROW (DECOMMISSIONED)

CULTIVATION BUILDINGS AND USE

<u>BUILDINGS</u>	<u>USE</u>	<u>SIZE</u>	<u>YEAR</u>
DRY SHED #1	HARVEST STORAGE AREA	20'x20'	2012
DRY SHED #2	HARVEST STORAGE AREA	20'x14'	2009
AGRICULTURAL CHEMICAL PESTICIDE/FERTILIZER/ AMENDMENT STORAGE SHED		3'x6'	2015
TEMPORARY CARPORT	DRYING/HARVEST STORAGE	36'x18'	TEMPORARY

<u>POWER SOURCE</u>	SURROUNDING BUILDINGS
----------------------------	-----------------------

3KW HONDA GENERATOR	THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.
7KW HONDA GENERATOR	
2KW HONDA GENERATOR	THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

DISCLAIMER

IMMATURE PLANTS ARE BOUGHT OF SITE FORM LICENSED NURSERY.
PROCESSING/PACKAGING & LABELING WILL BE DONE OFFSITE BY A LICENSED
THIRD-PARTY PROCESSOR.



A horizontal number line with tick marks at 0, 75, and 150. The segment between 0 and 75 is divided into three equal parts by two tick marks. Similarly, the segment between 75 and 150 is divided into three equal parts by two tick marks.

50
| Feet

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

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. 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 Planning and Building 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.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. 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** the Department will file the NOD and will charge this cost to the project.
5. Within 60-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised Site Plan prepared by a licensed surveyor showing the following, in addition to what is shown:
 - a. The location of the proposed processing facility; and
 - b. The location of proposed septic system to support the proposed processing facility.
6. Within 60-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised Cultivation and Operations Plan that includes proposed processing details in accordance with CMMLUO Section 55.4.11(u), including but not limited to the following:
 - a. A summary of processing practices;
 - b. Description of the location where processing will occur;
 - c. An estimated number of employees to carry out processing, if any;
 - d. Description of toilet and handwashing facilities;
 - e. Description of plumbing and/or septic systems and whether or not the system is capable of handling increased usage;
 - f. Description of drinking water for employees;
 - g. Description of increased road use resulting from processing and a plan to minimize that impact; and
 - h. A description of on-site housing, if any.

7. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #8 through #26. 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.
8. In accordance with the Humboldt County Planning and Building Department's site inspection comments, the applicant shall submit a Soils Report, prepared by a qualified geologist or engineer, for Greenhouse #1 and Greenhouse #11.
9. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, any existing water tanks over 5,000 gallons in capacity, existing and proposed structures associated with drying, processing, and storage or any activity with a nexus to cannabis, and any noise containment structures, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the 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.
10. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
11. In accordance with referral comments from the Department of Public Works, all driveways and private road intersections onto the County Road (Old Three Creeks 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.
12. In accordance with referral comments from the Department of Public Works, any existing or proposed non-county-maintained access roads that will serve as access for the proposed project that connect to a County maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County maintained 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.
13. Provide adequate site access and driveways, setbacks, turn-a-rounds, and signing and building numbers to conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations.
14. The applicant shall register an existing 500-gallon propane tank with the Department of Environmental Health (DEH) and install secondary containment for fuel canisters.
15. In accordance with project referral comments received from the Division of Environmental Health, the applicant shall demonstrate that a properly functioning onsite wastewater treatment system (OWTS) serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or Registered Environmental Health Specialist (REHS) that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.

16. If the applicant is unable to permit the proposed on-site processing facility, within 90-days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall amend the Operations Plan to identify a licensed off-site processing facility.
17. Processing is required to occur at a licensed off-site processing facility until an OWTS is permitted by the Department of Environmental Health (DEH) and installed to the satisfaction of DEH.
18. The applicant shall install a water monitoring device for the well water source and storage tanks as applicable to monitor water used for cannabis irrigation separate from domestic use.
19. The applicant shall relocate the decommissioned cultivation area (i.e., the "guerilla grow" site) to an environmentally superior location as depicted on the Site Plan and fully remediate the decommissioned area by removing any remaining cultivation waste and protecting any remaining bare soil areas through placement of straw and erosion-control seed, in accordance with Remediation Measure MP5 of the project's Site Management Plan. An updated Site Plan and Operations Plan reflecting the new project shall be submitted when available.
20. The applicant shall implement all remaining corrective actions detailed in the Site Management Plan developed for the parcel, prepared by Green Road Consulting, dated 6/10/2019 for State Water Resource Control Board (SWRCB) Order 2017-0023-DWQ (WDID-1_B171219CHUM). A letter or similar communication from the SWRCB verifying that all their requirements have been met will satisfy this condition.
21. The applicant shall submit a Grading, Erosion and Sediment Control Plan that shall be prepared by a qualified engineer for any proposed grading, including any grading that may be required to remediate the decommissioned cultivation area and reconstruct roads in accordance with the Site Management Plan. The plan shall identify the cubic yards of all proposed grading. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
22. As applicable, the applicant shall secure permits for all proposed grading as detailed in the Grading, Erosion and Sediment Control Plan. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition. An updated Site Plan and Operations Plan reflecting the new project shall be submitted when available and identify the cubic yards of all grading that has been completed.
23. Any applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation, and dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.
24. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
25. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding 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.
26. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses, as applicable, shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. The applicant shall avoid heavy equipment operations during NSO critical period (February 1 – July 31) or shall perform protocol level surveys prior to initiating that work.
5. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
6. The use of synthetic netting is prohibited. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
7. All refuse shall be contained in wildlife proof storage containers, always, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. The applicant will abide by the recommendations of the Cultural Resources Inventory Report prepared by DZC Archeology & Resource Consultants in December 2017, including restrictions on ground disturbance and cannabis cultivation to prevent impacts on known archeological resources.
11. 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 and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to

evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

12. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground-stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.
13. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
14. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation and Operations Plan, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
15. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
16. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
17. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
18. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
19. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
20. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

21. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
22. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
23. 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 through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
24. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
25. Pay all applicable application, review for conformance with conditions and annual inspection fees.
26. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
27. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
28. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

29. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
30. 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, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
31. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
32. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. 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:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;

- (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. 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.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
33. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
34. 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 permittees and the permitted site have been found to comply with all conditions of approval.
35. 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 permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, 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 noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
36. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
37. 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.

38. 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.
39. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 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 #34 and 36 of the Ongoing 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 and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

**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 316-331-012; Three Creeks area
County of Humboldt**

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

January 2021

Background

Modified Project Description and Project History –

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit (Record Number PLN-11745-CUP) for an existing 13,048 square foot (SF) outdoor cannabis cultivation operation. Onsite relocation is proposed as a part of this project to relocate approximately 5,088 square feet of shaded grow area to a more stable location. A 1,300 SF nursery is also proposed as part of the project, to be located adjacent to existing cultivation greenhouses. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 5,500 gallons in two (2) hard tanks. Estimated annual water usage is 235,200 gallons (18 gal/SF). Two harvests are anticipated annually during the growing season which extends from March to October. Drying occurs onsite in two existing drying sheds. Until a processing facility can be permitted for the project, processing will occur offsite at a licensed processing or manufacturing facility. Up to five (5) employees may be utilized during peak operations. Power for domestic and cultivation purposes is provided by three (3) generators and a small solar array. Generator sizes include one (1) 2 kW, one (1) 3kW, and one (1) 7 kW.

A Cultural Resource Inventory Report was prepared in December 2017 by DZC Archaeology & Cultural Resource Management. Cultural resources were documented onsite. Cannabis activity is more than 600 feet from cultural resources. The landowner has been advised of the nature and location of the cultural resource and the prohibition on expanding operations into the site boundaries has been included as a stipulation of a Conditional Use Permit. Standard language for Inadvertent Discoveries Protocol has also been included. The cultural report indicated a low-to-moderate sensitivity for further unknown prehistoric resources. Additionally, all development currently meets, or will meet as a condition of approval, all setback requirements.

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 impacts of existing cultivation. These include relocating cultivation to an environmentally superior location, water conservation techniques to avoid excess evaporation, and site drainage, erosion, and runoff control measures implemented in accordance with the Site Management Plan for the site to protect water quality. Additionally, all development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors. No timber conversion has occurred, and the project is conditioned to limit impacts to biological resources, including ensuring any supplemental lighting used for cultivation and security lighting adheres to Dark Sky Association standards, project related noise does not harass nearby wildlife, and limiting heavy equipment use onsite during the NSO critical period.

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;
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 continued operation of an existing cannabis cultivation site consisting of 13,048 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Green Road Consulting, dated 11/13/20.
- Pre-Existing Cultivation Investigation prepared by Green Road Consulting, stamped by a Registered Professional Engineer 05/31/2018 and received 07/01/18.
- Water Usage and Cultivation Form and Chemical Use Table prepared by Green Road Consulting for 2016 and 2017 reporting years, not dated and received 11/17/20.
- Cultivation and Operations Plan prepared by Green Road Consulting not dated and received 09/18/19.
- Addendum to Cultivation and Operations Plan, dated 11/17/20.
- Phase I Cultural Resources Inventory for Rising Sun Ranch Farms Inc. prepared by DZC Archaeology & Cultural Resource Management, dated 12/17.
- Site Management Plan prepared by Green Road Consulting (WDID-1_B171219CHUM) for State Water Resource Control Board Order 2017-0023-DWQ, dated 6/10/19.
- Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2018-0681-R1), dated April 2019.
- Self-Certified Road Evaluation Report for Unnamed Access Road prepared by the applicant and Green Road Consulting, dated 9/18/19.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits, received 9/5/19.

- Well Completion Report (Permit Number 16/17/0092, WCR2017-002177), dated 9/5/17.
- CNDDDB biological resources search conducted by AECOM on 11/03/20.

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 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 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 Transfer 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. (Applicant is record title owner of the parcel - Grant Deed 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 one-quarter mile (1,320 feet) 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. (Site Plan prepared by Green Road Consulting dated 11/13/20 – Attached with project Maps)
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; 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. (Cultivation and Operations Plan prepared by Green Road Consulting stamped received 09/18/19 – Attached; Addendum to Cultivation Operations Plan, received 11/17/20 – Attached; and Water Usage and Cultivation Forms and Chemical Use Table, prepared by Green Road Consulting and received 11/17/20 – 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. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order. (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Notice of Applicability: Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ [WDID-1_12CC418024] – Attached; and Site Management Plan prepared by Green Road Consulting, dated 6/10/2019 for State Water Resource Control Board Order 2017-0023-DWQ [WDID-1_B171219CHUM] – Attached; Enrolled in State Water Board Cannabis General Order for Waste Discharge [WDID 1_12CC418024], effective 7/01/19 and expiring 04/15/24 – On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the

Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Final Streambed Alteration Agreement Notification No. 1600-2018-0681-R1, signed April 2019 – Attached)

9. If the source of water is a well, a copy of the County well permit, if available. (Well Completion Report [WCR2017-002177], Permit Number 16/17-0092 - Attached)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable; cultivation is on historic logging flats)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe “government to government” consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Phase I Cultural Resources Investigation for the Rising Sun Ranch Farms Inc., Humboldt County California, County Application prepared by DZC Archaeology & Cultural Resource Management, prepared December 2017. (On-file and confidential)
16. Self-Certified Road Evaluation Report for Unnamed Access Road prepared by the applicant and Green Road Consulting dated 9/18/19. (Attached)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)
18. Generator Specification and Noise calculation for various models. (Included in Cultivation Operations Plan [item 4. above]).

19. California Natural Diversity Database records of special-status plants and wildlife within two (2) miles of the boundaries of APN-316-331-012 (On-file and confidential).



**GREEN
ROAD**
CONSULTING



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Rising Sun Ranch Farms, Inc.

PO Box 10

Bayside, 95524

Parcel: 316-331-012

Agent

Dante Hamm

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519

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I. Site Plan Overview

1.0 Project Information

Rising Sun Ranch Farms, Inc. ("Applicant") is submitting this application for a Use Permit for 13,048 square feet of existing outdoor commercial cannabis cultivation on an 83-acre parcel, located in Blue Lake, CA ("Parcel"), Assessor's Parcel Number 316-331-012.

This application is submitted through their agent, Dante Hamm of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Type 3 Use Permit would achieve the following results for the Applicant:

- a. Permit 13,048 square feet of Outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO; and
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County in Blue Lake, CA. The Parcel is comprised of 83-acres and is identified by Assessor's Parcel Number ("APN") 316-331-012. There is no street address for the Parcel, but the coordinates for the Parcel are 40.9263,-123.7574.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is TPZ with a Current General Plan of T (FRWK). The CMMLUO permits existing Outdoor commercial cannabis cultivation on land zoned as TPZ with cultivation sites between 10,001 square feet and 43,560 square feet with a Type 3 Use Permit.

2.2 Site Topography

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

3.0 Easements

The following information is taken from Exhibit "A" of the recorded Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

"EXHIBIT "A"

PARCEL ONE

All that real property situated in the Southeast Quarter of Section 6 and the Southwest

Quarter of Section 5, Township 6 North, Range 4 East, Humboldt Meridian, County of

Humboldt, State of California, described as follows:

BEGINNING at the Southeast corner of Section 6, Township 6 North, Range 4 East Humboldt Meridian;

thence North 88 degrees 46 minutes 18 seconds East, along the South line of said Section 5, Township 6 North, Range 4 East, Humboldt Meridian, 1011.91 feet;

thence North 35 degrees 35 minutes 33 seconds West, 732.89 feet;

thence South 86 degrees 34 minutes 12 seconds West, 344.23 feet;

thence North 51 degrees 34 minutes 02 seconds West, 1050.56 feet;

thence South 45 degrees 39 minutes 23 seconds West, 887.12 feet;

thence North 89 degrees 53 minutes 35 seconds West, 376.81 feet;

thence South 49 degrees 29 minutes 03 seconds West, 382.72 feet;

thence South 30 degrees 00 minutes 00 seconds East, 273.73 feet, more or less, to the South line of said Section 6;

thence South 85 degrees 15 minutes 10 seconds East, along said line, 1752.77 feet, more or less, to the point of beginning.

This description is based on a Record of Survey for Steve Miller in Section 3, 4, 5, 6, 8, 9 and 10, Township 6 North, Range 4 East, Humboldt Meridian, dated September 2008 recorded in Book 65 Surveys, Pages 146-150, inclusive and designated thereon as "Parcel 2".

PARCEL TWO

A non-exclusive easement for Ingress, egress, public utilities and installation, maintenance and repair of waterlines, 60 feet in width, the centerline being courses L1 through L36, as shown and designated in Book 65 Surveys, Pages 146-150, inclusive, Humboldt County Records, as Parcel A.

Grantor reserves the right for Grantor, and future heirs and assigns, to cross said easement as necessary in conjunction with any and all legal activities, including temporary disruptions of water or utilities, with 24 hour notice to grantee if disruption is to occur.

PARCEL THREE

A non-exclusive easement for Ingress, egress, public utilities and Installation, maintenance and repair of waterline 40 feet in width, the centerline being courses L256 through L295, as shown and designated In Book 65 Surveys, Pages 146-150, Inclusive, Humboldt County Records, as Parcel C.

Grantor reserves the right for Grantor, and future heirs and assigns, to cross said

easement as necessary in conjunction with any and all legal activities, including temporary disruptions of water or utilities, with 24 hour notice to grantee if disruption is to occur.

PARCEL FOUR

A non-exclusive easement for Ingress, egress, public utilities and installation, maintenance and repair of waterlines, 40 feet in width, the centerline being courses L296 through L310, as shown and designated in Book 65 Surveys, Pages 146-150, Humboldt County Records, as Parcel D.

Grantor reserves the right for Grantor, and future heirs and assigns, to cross said easement as necessary in conjunction with any and all legal activities, including temporary disruptions of water or utilities, with 24 hour notice to grantee if disruption is to occur.

PARCEL FIVE

A non-exclusive easement for construction and maintenance of a trail, 10 feet in width, the centerline being courses L311 through L320, as shown and designated in Book 65 Surveys, Pages 146-150, Inclusive, Humboldt County Records, as Parcel E.

PARCEL SIX

A non-exclusive easement for Ingress, egress, public utilities and installation, maintenance and repair of waterline, 60 feet in width, the centerline being courses L37 through L136, as shown and designated in Book 65 Surveys, Pages 146-150, Inclusive, Humboldt County Records, as Parcel F.

Grantor reserves the right for Grantor, and future heirs and assigns, to cross said easement as necessary in conjunction with any and all legal activities, including temporary disruptions of water or utilities, with 24 hour notice to grantee if disruption is to occur.

PARCEL SEVEN

A non-exclusive easement for Ingress, egress, public utilities and installation, maintenance and repair of waterlines, 40 feet in width, the centerline being courses L322 through L330, as shown and designated in Book 65 Surveys, Pages 146-150, Inclusive, Humboldt County Records, as Parcel G.

Grantor reserves the right for Grantor, and future heirs and assigns, to cross said easement as necessary in conjunction with any and all legal activities, including temporary disruptions of water or utilities, with 24 hour notice to grantee if disruption is to occur.

PARCEL EIGHT

A non-exclusive easement for ingress, egress, public utilities and installation, maintenance and repair of waterlines, 40 feet in width, the centerline being courses

L331 through L348, as shown and designated In Book 65 Surveys, Pages 146-150, Humboldt County Records, as Parcel J.

Grantor reserves the right for Grantor, and future heirs and assigns, to cross said easement as necessary in conjunction with any and all legal activities, including temporary disruptions of water or utilities, with 24 hour notice to grantee if disruption is to occur.

PARCEL NINE

A non-exclusive easement area for spring development and use of the water therefrom, being a circular area having a radius of 25 feet, the center being at the Northeasterly terminus of courses no. L349, as shown and designated In Book 65 Surveys, Pages 146-150, inclusive, Humboldt County Records, as Parcel K.

PARCEL TEN

A non-exclusive easement area for Installation, maintenance and repair of a water storage tank, being a circular area having a radius of 25 feet, the center being at the Easterly terminus of courses No. L348, as shown and designated In Book 65 Surveys, Pages 146-150, inclusive, Humboldt County Records, as Parcel L.

PARCEL ELEVEN

A non-exclusive easement for Installation, maintenance and repair of a waterline, 20 feet in width, the centerline being L349 through L371, as shown and designated in Book 65 Surveys, Pages 146-150, Inclusive, Humboldt County Records, as Parcel M.

Grantor reserves the right for Grantor, and future heirs and assigns, to cross said easement as necessary in conjunction with any and all legal activities, including temporary disruptions of water or utilities, with 24 hour notice to grantee if disruption is to occur.

PARCEL TWELVE

A non-exclusive easement area for installation, maintenance and repair of a water storage tank, being a circular area having a radius of 25 feet, the center being at the Westerly terminus of course No. L358, as shown and designated In Book 65 Surveys, Pages 146-150, inclusive, Humboldt County Records, as Parcel N.

PARCEL THIRTEEN

A non-exclusive easement for Ingress, egress, including road construction and maintenance, public utilities and Installation maintenance and repair of waterlines over "Parcel Q", as shown and designated In Book 65 Surveys, Pages 146-150, Inclusive, Humboldt County Records.

Grantor reserves the right for Grantor, and future heirs and assigns, to cross said easement as necessary in conjunction with any and all legal activities, including temporary disruptions of water or utilities, with 24-hour notice to grantee if disruption is to occur."

4.0 Natural Waterways

There are nine (9) natural water courses that cross the property.

5.0 Location and Area of Existing Cultivation

Clarification on Cultivation

In May of 2018 Green Road Consulting completed a Guerilla Grow Verification report on the behalf of the Applicant. After county review of the report, the county was able to support 5,088 square feet of existing full-term (outdoor) cultivation and 7,960 square feet of existing light deprivation (outdoor) cultivation. Therefore, moving forward the amount of square footage being applied for should equate to 13,048 square feet of outdoor cultivation.

Environmental Justification/ Remediation Measures

As depicted on the site plan. The guerilla grow was located on a hillside with an average slope of 40.16%. The proposed relocation areas have slopes ranging from 22.68%-33.20%. In addition, a portion of the guerilla grow was within a watershed buffer thus rendering the area unsuitable for cannabis cultivation. The guerilla grow cultivation was also ridged atop Low Gap Creek, a class II stream. This fact coupled with the slope of the guerilla grow area gives the area a higher potential for sediment delivery/runoff into Low Gap Creek. The proposed relocation areas are all significantly further than the former guerilla grow area and in turn all annually flowing stream(s) that GRC was able to identify.

As a result of the field investigation, Green Road Consulting was able to identify substantial evidence of a historic guerilla grow. At the time of the field investigation it was apparent that the area of the historic guerilla grow had been decommissioned for some time. There was no evidence of any major grading (over 50 cubic yards) or large-scale vegetation removal. Due to these facts much of the vegetation had returned to its natural state. At this time Green Road Consulting recommends the Applicant remove any remaining cultivation related waste including but not limited to, plastic pots, irrigation lines, and potting soil. In addition, any remaining areas of bare soil shall be covered with straw and seeded for stability.

Outdoor Cultivation

Greenhouse #1

Greenhouse #1 is a 130'x16' greenhouse structure totaling 2,080 ft² of light deprivation (outdoor) cultivation area.

Greenhouse #2

Greenhouse #2 is a 37'x25' greenhouse structure totaling 925 ft² of light deprivation (outdoor) cultivation area.

Greenhouse #3 and #4

Greenhouse #3 and #4 are 60'x16' greenhouse structures totaling 960 ft², combined they equate to 1,920 ft² of light depravation (outdoor) cultivation area.

Greenhouse #5

Greenhouse #5 is a 70'x20' greenhouse structure totaling 1,400 ft² of light depravation (outdoor) cultivation area.

Greenhouse #6 and #7

Greenhouse #3 and #4 are 60'x16' greenhouse structures totaling 960 ft², combined they equate to 1,920 ft² of light depravation (outdoor) cultivation area.

Proposed Relocation

Greenhouse #8/#9

Greenhouse #8 and #9 are 60'x16' greenhouse structures totaling 960 ft², combined they equate to 1,920 ft² of light depravation (outdoor) cultivation area.

GH#10

Greenhouse #10 is a 20'x100' greenhouse structure totaling 2,000 ft² of light depravation (outdoor) cultivation area.

GH#11

Greenhouse #11 is a 55'x16' greenhouse structure totaling 880ft² of light depravation (outdoor) cultivation area.

6.0 Setbacks of Cultivation Area

All Cultivation is set back from any point on the parcel boundary by at least 100 feet.

7.0 Access Roads

The Parcel is located off Old 3 Creek Road which is off CA 299E and is in useable condition. The roads on site need basic maintenance and the installation of drainage features such as rolling dips, water bars and ditch relief culverts. The road system would also benefit from surface rocking.

8.0 Graded Flats

There are no graded flats located on the parcel that are identified to require permitting.

9.0 Existing Buildings

Cultivation Related Buildings

Dry Shed #1

Dry Shed#1 is an existing 20'x20' structure that was constructed in 2012 and is used for drying and curing of the harvested cannabis.

Dry Shed #2

Dry Shed#2 is an existing 14'x20' structure that was constructed in 2009 and is also used for drying and curing of the harvested cannabis.

10.0 Water Source, Storage, Irrigation Plan and Projected Water Usage**10.1 Water Source**

All water used for cultivation is sourced from the permitted, confined aquifer well.

10.2 Water Storage

There are two (2) HDPE water tanks giving the Applicant a total of 5,500 gallons of water storage. The individual number and size are outlined below:

- One (1) 2,500-gallon HDPE tanks;
- One (1) 3,000-gallon HDPE tank;

10.3 Irrigation Plan

Irrigation methods shall ensure water is applied at agronomic rates. Using drip irrigation and irrigating deeply during the early morning is recommended.

10.4 Projected Water Use

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

The Applicant estimates their annual water use to be 175,700 gallons.

11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection**Site Maintenance, Erosion Control, and Drainage Features**

(The following information was taken from the Applicants Water Resource Protection Plan. Map points called out are referencing the maps provided in the Applicants WRPP).

Private roads on the parcel will require basic maintenance to ensure the roads are at their best for prevention of sediment delivery to any watercourses during the winter months. Private roads will require maintenance such as the installation of drainage features including rolling dips, water bars, and ditch relief culverts (see Erosion Control and Sediment Delivery Map). The majority of roadway was well rocked, but some areas have been worn from regular use. Surface rocking in these areas would increase their stability and mitigate surface erosion. **MP2** is a ditch relief culvert (DRC) that employs a 24-inch corrugated plastic pipe (CPP). The DRC leads to a Class III drainage and the outlet lacks rock armor. The outlet should be armored with rock to prevent scour and to mitigate sediment transport from road runoff to the Class III. At **MP16** a quad trail lacks erosion control features. The skid road and several gullies where water runs down the roadway. The skid road shall have waterbars installed ever 100-ft to dissipate runoff.

The site will need to apply winterization techniques at the end of each year to cultivation areas and other disturbed areas. Winterization will consist of stabilizing bare soil with straw and seed. Fiber rolls shall be installed at grade breaks and along slopes of disturbed areas. No heavy machinery shall be used during the winter or wet season. Stock piles shall be stabilized before the onset of winter with a cover and/or perimeter controls. Culverts shall be inspected and maintained to ensure integrity during winter. Seasonal access roads shall be locked to ensure the roads are not in use during wet season.

Irrigation Runoff

(The following information was taken from the Applicants Water Resource Protection Plan).

There were no signs of irrigation runoff during the initial assessment. For outdoor cultivation, the enrollee uses drip irrigation system with a timer to limit water use and prevent any irrigation runoff. For Greenhouses, plants are hand watered. Use of straw or mulch in cultivation areas was not observed. It is suggested that the enrollee scatter these materials on the open ground of cultivation areas in order to prevent erosion from plant watering and minimize evaporative loss.

Watershed/Habitat Protection

(The following information was taken from the Applicants Water Resource Protection Plan which was completed for two parcel 316-320-005 and 316-331-012. APN 316-320-005 has been discontinued for cultivation. Information pertaining to this parcel has been redacted. Map points called out are referencing the maps provided in the Applicants WRPP).

There are three (3) cultivation areas on the site; CA1, CA2, CA3. All are existing and stabilized outside of any riparian buffers with little potential to effect watercourses. CA1 sits on an 25% slope and totals 5,000 square feet. It is 100 feet from a Class III drainage. CA2 sits on an 29% slope and totals 7,000 square feet. It is 70 feet from a Class III drainage. CA3 sits on an 18% slope and totals 11,000 square feet. It is 75 feet from a Class III drainage. **No remediation required.**

12.0 Distances from Significant Landmarks

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Materials Storage

Currently, there are no herbicides registered specifically for use directly on cannabis. The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

All fertilizers and amendments are located in the agricultural chemical storage shed. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. Currently, the applicant is using accepted substances for their fertilizers and amendments. The Applicant amends his soil with Grean Bicycles Flower Mix in 45-gallon pots with chicken manure pellets.

Near the end of the cycle, molasses, liquid bone meal and Ionic Bloom & Boost are applied and hand watered to the soil. The soil is then top dressed in bat guano and soil is reused every year

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

All cultivation related trash is stored between four (4) 45-gallon watertight trashcans located outside of the Cabin. All trash is immediately hauled to the Applicant's shop in Arcata, CA. The Applicant has a soil bin in front of the Yurt and all soil is reused every year and amended with Green Bicycle Flower Mix and Nutri Rich Fertilizer Pellets. Once the dirt is no longer viable for cultivation, it is removed and disposed of at Wes Green in Arcata.

The Applicant has a 3KW, 7KW, and 2KW Generators to power the Cabin and Yurt. They are stored in the Garage on the Applicant's neighboring owned parcel (APN: 316-320-005) as well as five (5) 5-gallon fuel cans. The fuel cans are filled by a 50-gallon diesel truck transfer tank. The Applicant's 500-gallon propane tank is located north of the Yurt. The small fuel cans need a secondary containment and the large fuel tanks need to be registered with the Department of Environmental Health. There is a septic system installed and will need to be back permitted through the Department of Environmental Health.

Generator Specifications/ Noise Calculations.

EU7000iS

Engine	Honda GX390 EFI
Displacement	389cc
AC Output	120/240V 7000W max. (58.3/29.1A) 5500W rated (45.8/22.9A)
Receptacles	20A 125V GFCI Duplex (2), 30A 125V Locking Plug, 30A 125/250V Locking Plug
DC Output	N/A
Starting System	Recoil, electric
Fuel Tank Capacity	5.1 gal.
Run Time per Tankful	6.5 hrs. @ rated load, 18.0 hrs. @ 1/4 load
Dimensions (L x W x H)	33.4" x 27.6" x 28.4"
Noise Level	58 dB(A) @ rated load, 52 dB(A) @ 1/4 load
Dry Weight	261 lbs.

EU3000iS

Engine	Honda GX200
Displacement	196cc
AC Output	120V 3000W max.(25A) 2800W rated (23.3A)
Receptacles	20A 125V Duplex, 30A 125V Locking Plug
DC Output	12V, 144W (12A)
Starting System	Recoil, electric
Fuel Tank Capacity	3.4 gal.
Run Time per Tankful	7.1 hrs. @ rated load, 20 hrs. @ 1/4 load
Dimensions (L x W x H)	25.9" x 17.6" x 22.0"
Noise Level	57 dB(A) @ rated load, 50 dB(A) @ 1/4 load specLink.Display
Dry Weight	131 lbs.

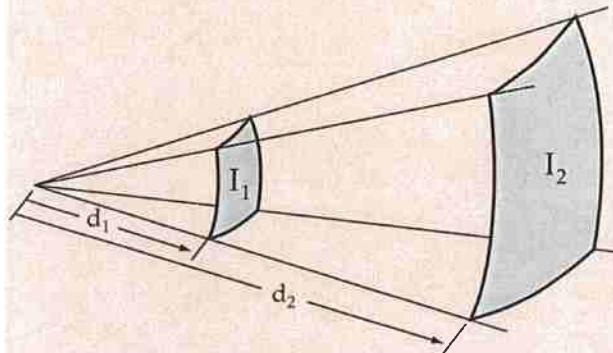
EU2000iS

Full model name	EU2200ITA
Engine	Honda GXR120
Displacement	121cc
AC Output	120V 2200W max. (18.3A), 1800W rated (15A)
Receptacles	20A 125V Duplex
DC Output	12V, 100W (8.3A)
Starting System	Recoil
Fuel Tank Capacity	.95 gal
Run Time per Tankful	3.2hr @ rated load 8.1 hrs @ 1/4 load
Dimensions (L x W x H)	20.0" x 11.4" x 16.7"
Noise Level	57 dB(A) @ rated load 48 dB(A) @ 1/4 load specLink.Display
Dry Weight	46.5 lb.

Estimating Sound Levels With the Inverse Square Law

In the real world, the [inverse square law](#) is always an idealization because it assumes exactly equal sound propagation in all directions. If there are reflective surfaces in the sound field, then reflected sounds will add to the directed sound and you will get more sound at a field location than the inverse square law predicts. If there are barriers between the source and the point of measurement, you may get less than the inverse square law predicts. Nevertheless, the inverse square law is the logical first estimate of the sound you would get at a distant point in a reasonably open area.

If you measure a sound level $I_1 = 58$ dB
at distance
 $d_1 = 0.3048$ m = 1 ft
 $\frac{I_2}{I_1} = \left[\frac{d_1}{d_2} \right]^2$
then at distance
 $d_2 = 30.48$ m = 100 ft
the inverse square law predicts a sound level
 $I_2 = 18.0000000$ dB



You can explore numerically to confirm that doubling the distance drops the intensity by about 6 dB and that 10 times the distance drops the intensity by 20 dB.

[Decibel definition](#) [Decibel calculation](#)

[Index](#)
[Auditorium](#)
[acoustics](#)

<http://hyperphysics.phy-astr.gsu.edu/hbase/Acoustic/isprob2.html>

Calculation shown do not account for generators in an enclosed structure. While running in an enclosed structure, the decibel reading below will be significantly reduced.

2.0 Cultivation Activities

Cultivation activities typically begin sometime during March when the Applicant brings in clones that are started in 45-gallon pots in the Parcel's greenhouses and 70-gallon pots for their full-term cultivation.

Please note, the cultivation schedule may change due to the weather, strain, and the Applicant's personal schedule.

The Applicant anticipates two harvests annually from their light deprivation (outdoor) cultivation.

Light Dep 1st Run

March-April (veg)

May-July (flower)

July (harvest)

Light Dep 2nd Run

July-August (veg)

August-October (flower)

October (harvest)

Plants are transported into properly sized soil pots once they have reached viability for the outdoors, sometime during June. The Applicant is anticipating two (2) harvest, once in June and October.

3.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into either of the Dry Sheds where it will be dried and cured. Until the Applicant can design, permit and construct a commercial structure that meets the minimum standards for processing onsite, processing will occur offsite by a licensed third-party processor.

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

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

4.0 Security Measures

The Parcel is fenced and all access roads are gated. There are security cameras located at the gates and cultivation areas. The Applicant also has a Dakota Alert System.



Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

RE: Roshawn Beere – Humboldt County APPS 11745 – APN: 316-331-012

November 17th, 2020

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for Roshawn Beere, APPS #11745, APN: 316-331-012.

Cultivation Schedule

*Please note, the cultivation schedule may change due to the weather, strain, and the Applicant's personal schedule.

*The Applicant anticipates two harvests annually from their light deprivation (outdoor) cultivation areas.

Light Dep 1st Run

March-April (veg)

May-July (flower)

July (harvest)

Light Dep 2nd Run

July-August (veg)

August-October (flower)

October (harvest)

Number of Employees

The Applicants anticipating using 2-3 family members as well as 1-2 seasonal workers for their operations.

Employees Safety Practices

All those working on the property will be instructed in safe and proper techniques for performing any duties pretraining to cultivation. This includes the utilization of personal protective equipment and proper use of tools and necessary instruments required for the performance of one's duties. Personal protective equipment shall be provided for all employees and/or independent contractors via the proponent as well as having ample personal protective

equipment in stock and onsite. Clean and safe drinking water will be in the form of filtered spring water. For the safety of the public and employees working while intoxicated will not be tolerated. All Employee and/or independent contractors shall be made aware of the following.

- I. Location of fire extinguishers and the "P.A.S.S" technique.
- II. List of operations manager contacts;
- III. List of emergency control contacts;
- IV. List of poison control contacts;
- V. Location of first aid kit;
- VI. Location of Restroom and hand washing stations;
- VII. Location of clean drinking water and;
- VIII. Location of Personal protective equipment.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed.



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Attachment 1

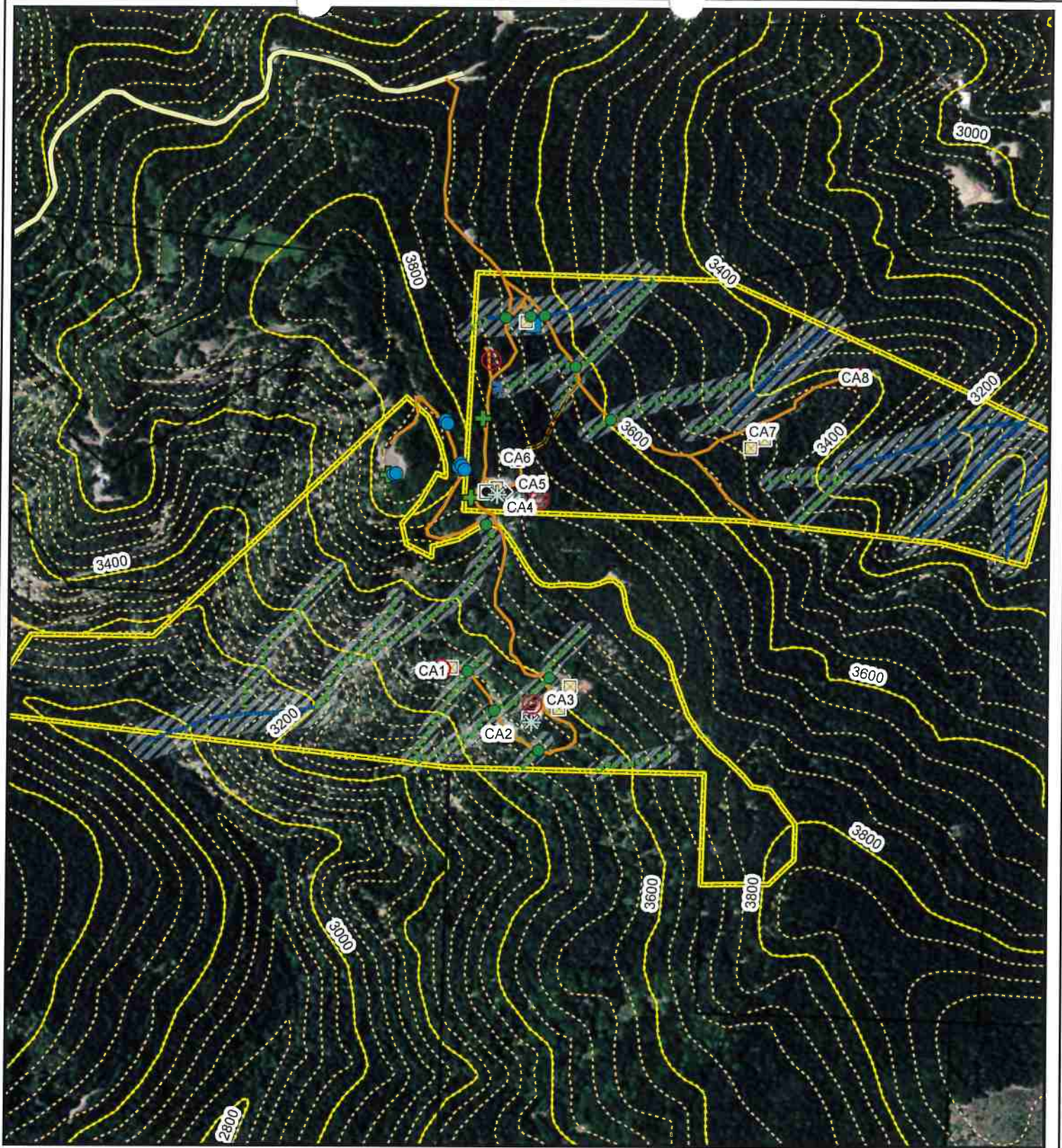
Name:	Roshawn Beere
APN:	316-331-012
W/DID:	
Reporting Year	2016
Storage (Gallons):	10,000
Total Cultivation (ft²):	23,500

Cultivation Information				
Cultivation Area	Distance to watercourse (ft)	Watercourse Classification	Average Slope	Area (ft ²)
CA1	100	Class III	25%	4,845
CA2	70	Class III	29%	6,885
CA3	75	Class III	18%	11,770

[illegible]

* Water use is estimated from the best information available, if water meters are not installed.

Standard Conditions to Address	Brief Description
Site maintenance, erosion control, and drainage features	The roads on the parcel need basic maintenance and the installation of drainage features such as rolling dips, water bars, and ditch relief culverts. The road system would also benefit from surface rocking.
Stream Crossing Maintenance	There were (5) streamcrossings on the parcel, some of which were undersized and had accumulated debris. Undersized culverts should be replaced and or cleared to allow for proper flow capacity.
Riparian and Wetland Protection and Management	A cultivation soil re-use pile was located in the 50 foot Class III stream buffer. It should be relocated to a stable area in order to ensure it does not enter any drainage or stream.
Petroleum Products and Other Chemicals	Large fuel tanks had secondary containment and a cover. Although, the tanks will need to be registered through the Department of Environmental Health.
Refuse and Human Wastes	The yurt currently has a septic system installed in a location away from drainages and showed no signs of failure. However, the septic will need to be back permitted.



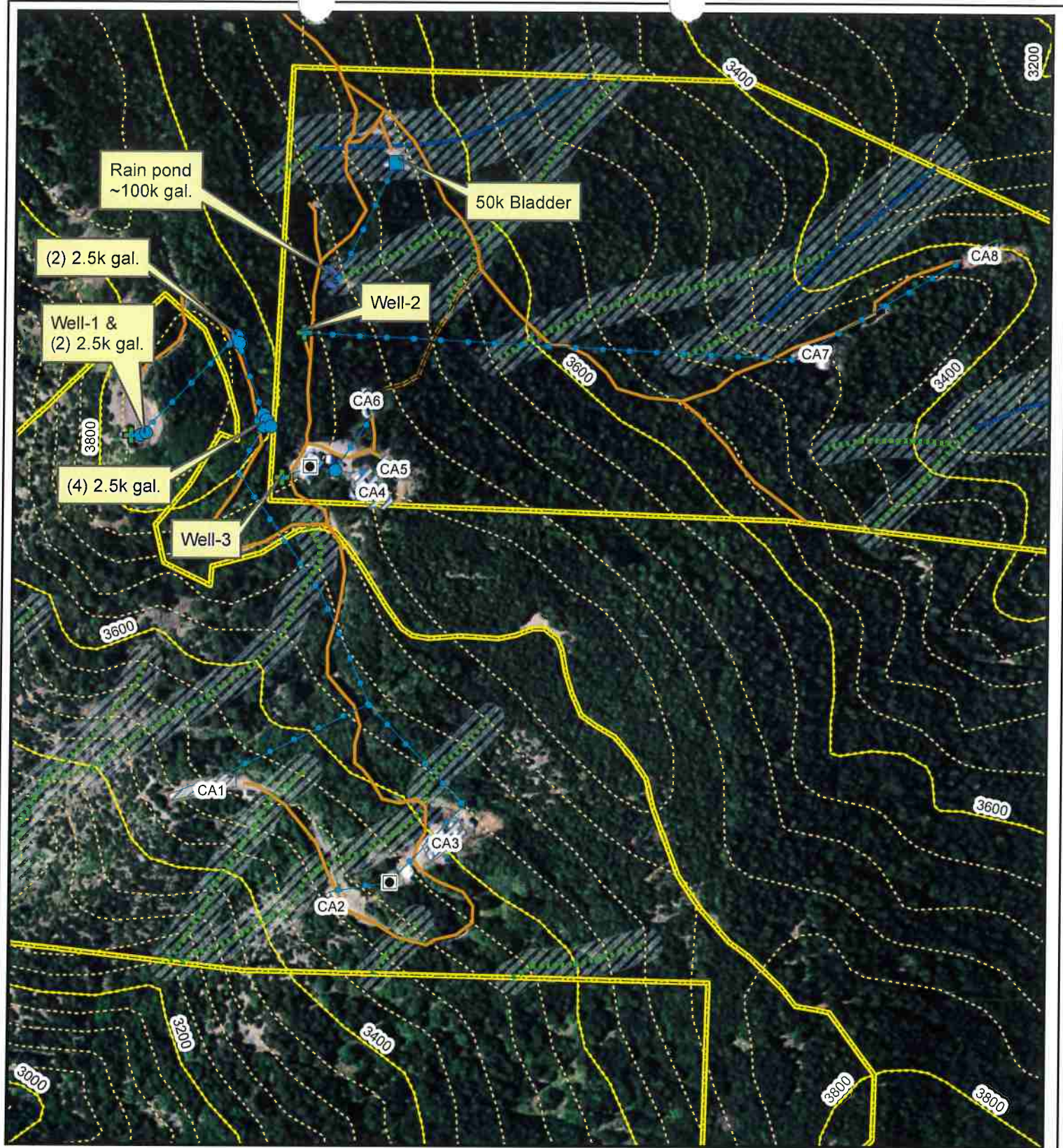
Site Overview Map **APN:316-320-005 & 316-331-012**

- | | | | |
|-----------------------|---------------------|-----------------------|-----------------|
| Parcel Boundary | Fuel Storage | Class II Watercourse | Water Tank |
| Cultivation Area (CA) | Fertilizer Storage | Class III Watercourse | Pond |
| Residence | Septic | Spoils | Stream Crossing |
| Storage Shed | Class I Watercourse | Watersource | |



Contour Interval: 40ft
Imagery: 2016 NAIP

0 250 500 1,000 Feet



Water Storage & Use Map

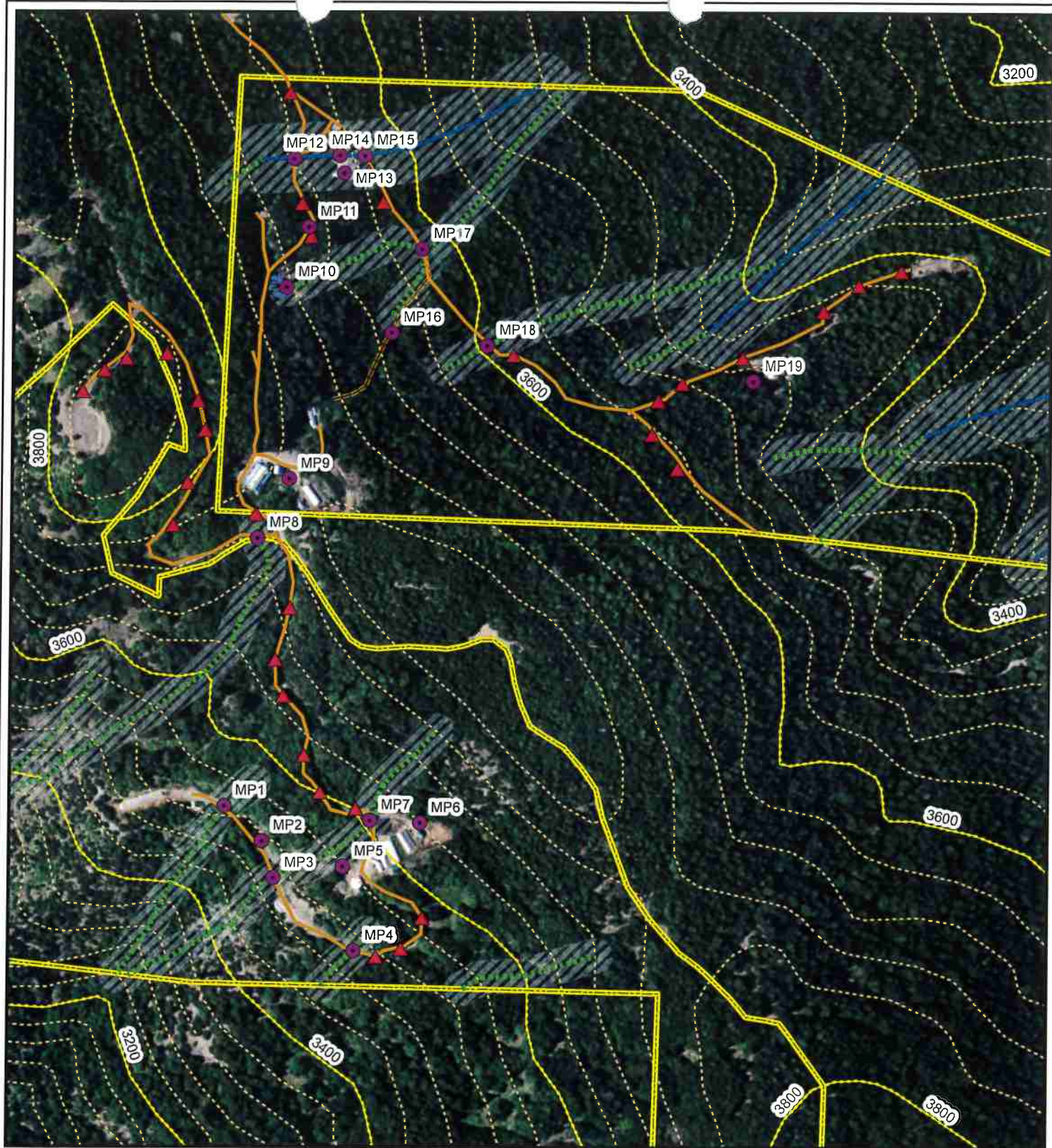
APN:316-320-005 & 316-331-012

- | | | |
|-----------------------|-----------------------|------------|
| Parcel Boundary | Class I Watercourse | Water Tank |
| Cultivation Area (CA) | Class II Watercourse | Pond |
| Residence | Class III Watercourse | |
| Water Line | Watersource | |



Contour Interval: 40ft
Imagery: 2016 NAIP

0 250 500 1,000 Feet



Erosion and Sediment Delivery Map APN:316-320-005 & 316-331-012

- Parcel Boundary
- Map Point (MP)
- Class I Watercourse
- Class II Watercourse
- Class III Watercourse
- ▲ Rolling Dip
- Pond



Contour Interval: 40ft
Imagery: 2016 NAIP

0 250 500 1,000
Feet

Name:	Roshawn Beere
APN:	316-331-012
WDID:	
Reporting Year	2016
Storage (Gallons):	10,000
Total Cultivation (ft²):	23,500

Cultivation Information				
Cultivation Area	Distance to watercourse (ft)	Watercourse Classification	Average Slope	Area (ft ²)
CA1	100	Class III	25%	4,845
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CA3	75	Class III	18%	11,770

[illegible]

* Water use is estimated from the best information available, if water meters are not installed.

Standard Conditions to Address	Brief Description
Site maintenance, erosion control, and drainage features	The roads on the parcel need basic maintenance and the installation of drainage features such as rolling dips, water bars, and ditch relief culverts. The road system would also benefit from surface rockings.
Stream Crossing Maintenance	There were (5) streamcrossings on the parcel, some of which were undersized and had accumulated debris. Undersized culverts should be replaced and or cleared to allow for proper flow capacity.
Riparian and Wetland Protection and Management	A cultivation soil re-use pile was located in the 50 foot Class III stream buffer. It should be relocated to a stable area in order to ensure it does not enter any drainage or stream.
Petroleum Products and Other Chemicals	Large fuel tanks had secondary containment and a cover. Although, the tanks will need to be registered through the Department of Environmental Health.
Refuse and Human Wastes	The yurt currently has a septic system installed in a location away from drainages and showed no signs of failure. However, the septic will need to be back permitted.



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Attachment 2

North Coast Regional Water Quality Control Board

November 15, 2019

WDID:1_12CC418024

RISING SUN RANCH FARMS
ATTN: ROSHAWN BEERE
PO BOX 10
BAYSIDE, CA 95524

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

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

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

Sincerely,

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

191115_1L_1_12CC418024_1B171219CHUM_Rising_Sun_Ranch_Farms__NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, RISING SUN RANCH FARMS, HUMBOLDT COUNTY APN(s) 316-331-012

Rising Sun Ranch Farms (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_12CC418024**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B171219CHUM.

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

1. FACILITY AND DISCHARGE DESCRIPTION

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

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

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

2. SITE-SPECIFIC REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by September 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/wq2019_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.

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 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 so that a site-specific compliance schedule can be developed.

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

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



STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2018-0681-R1
Unnamed Tributary to Low Gap Creek, Tributary to Willow Creek,
Tributary to the Trinity River, Tributary to the Klamath River and the
Pacific Ocean

Roshwan Beere
Beere Stream Crossings Project
2 Encroachments

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

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on November 7, 2018, that the Permittee intends to complete the project described herein.

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

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

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

PROJECT LOCATION

The project to be completed is located within the Low Gap Creek watershed, approximately 7 miles west of the town of Willow Creek, County of Humboldt, State of California. The project is located in Section 5, T6N, R4E, Humboldt Base and Meridian; in the Lord Ellis Summit U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Number 316-331-012; latitude 40.9261 N and longitude 123.7561 W.

PROJECT DESCRIPTION

The project is limited to two encroachments to conduct maintenance on existing culverts at road/stream crossings. The first encroachment includes the clearing of sediment and

woody debris on an existing 24" diameter culvert (40.9250, -123.7548) on a Class III stream. The second encroachment includes clearing vegetation and woody debris from an existing 18" diameter culvert (40.9261, -123.7546) on a Class III stream. The work will be conducted when the stream is dry.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-legged Frog (*Rana boylei*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

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

Impacts to water quality:

temporary increase in fine sediment transport;

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

direct impacts on benthic organisms;

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

direct and/or incidental take;

indirect impacts

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

- 1.3 **Adherence to Existing Authorizations.** All water diversion facilities that the Permittee owns, operates, or controls shall be operated and maintained in accordance with current law and applicable water rights.
- 1.4 **Change of Conditions and Need to Cease Operations.** If conditions arise, or change, in such a manner as to be considered deleterious by CDFW to the stream or wildlife, operations shall cease until corrective measures approved by CDFW are taken.
- 1.5 **Notification of Conflicting Provisions.** The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 **Project Site Entry.** The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.
- 1.7 **CDFW Notification of Work Initiation and Completion.** The Permittee shall contact CDFW within the seven-day period preceding the beginning of work permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the Permittee shall notify CDFW no later than seven (7) days after the project is fully completed.

2. Avoidance and Minimization Measures

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

- 2.1 **Permitted Project Activities.** Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received on November 7, 2018, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 **Incidental Take.** This Agreement does not allow for the take, or incidental take of any state or federal listed threatened or endangered listed species.

Project Timing

- 2.3 **Work Period.** All work, not including diversion of water, shall be confined to the period **June 1 through October 1** of each year. Work within the active channel of a stream shall be restricted to periods of **dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction

activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.

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

Vegetation Management

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

Stream Crossings

- 2.9 **Stream Protection.** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.10 **Equipment Maintenance.** Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and

bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

2.11 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

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

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

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

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

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

2.14 Crossing Maintenance

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

2.14.2 No heavy equipment shall enter the wetted stream channel.

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

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

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

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

Erosion Control and Pollution

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

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

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

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

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

measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

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

3. Reporting Measures

- 3.1 **Work Completion.** The proposed work shall be completed by no later than **October 1, 2019**. A notice of completed work (condition 2.4), with supplemental photos, shall be submitted to CDFW **within seven (7) days** of project completion.
- 3.2 **Project Inspection.** The Permittee shall submit the **Project Inspection Report** (condition 2.15) to CDFW, LSA Program at 619 Second Street, Eureka, CA 95501

CONTACT INFORMATION

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

To Permittee:

Mr. Roshwan Beere
P.O. Box 10
Bayside, CA 95524
707-502-6008
don_roshawn@yahoo.com

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2018-0681-R1

LIABILITY

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

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

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

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

ENFORCEMENT

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

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

OTHER LEGAL OBLIGATIONS

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

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

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

AMENDMENT

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

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

TRANSFER AND ASSIGNMENT

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

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

EXTENSIONS

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

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

EFFECTIVE DATE

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

TERM

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

AUTHORITY

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

AUTHORIZATION

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

CONCURRENCE

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


FOR Roshwan Beere



Roshwan Beere

04/05/2019
Date

FOR DEPARTMENT OF FISH AND WILDLIFE



Scott Bauer
Senior Environmental Scientist Supervisor

4/19/19
Date

Prepared by: David Manthorne, Senior Environmental Scientist Specialist, March 25, 2019

RECEIVED

SEP 05 2017

Humboldt County
Cannabis Svcs.

State of California
Well Completion Report
 WCR Form - DWR 188 Submitted 07/10/2017
 WCR2017-002177

Owner's Well Number 3 Date Work Began 07/05/2017 Date Work Ended 07/10/2017
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 16/17-0092 Permit Date 09/12/2016

Well Owner (must remain confidential pursuant to Water Code 13752)

Name Namid Beere
 Mailing Address P.O. Box 444
 City Bayside State CA Zip 95524

Planned Use and Activity

Activity New Well
 Planned Use Water Supply Irrigation - Agriculture

Well Location

Address 0 Cedar Ed RD APN 316-331-012
 City Willow Creek Zip 95573 County Humboldt Township 06 N
 Latitude _____ N Longitude _____ W Range 04 E
 Deg. Min. Sec. Deg. Min. Sec. Section 06
 Dec. Lat. 40.9290600 Dec. Long. -123.7576600 Baseline Meridian Humboldt
 Vertical Datum _____ Horizontal Datum WGS84 Ground Surface Elevation _____
 Location Accuracy _____ Location Determination Method _____ Elevation Accuracy _____
 Elevation Determination Method _____

Borehole Information

Orientation Vertical Specify _____
 Drilling Method Direct Rotary Drilling Fluid Air
 Total Depth of Boring 420 Feet
 Total Depth of Completed Well 420 Feet

Water Level and Yield of Completed Well

Depth to first water 235 (Feet below surface)
 Depth to Static _____
 Water Level 223 (Feet) Date Measured 07/10/2017
 Estimated Yield* 20 (GPM) Test Type Air Lift
 Test Length 4 (Hours) Total Drawdown 185 (Feet)
 *May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet	Description
0 47	Brown Sandstone
47 217	basalt
217 367	basalt shale mix
367 405	basalt with quartz
405 420	shale

Casings

Casing #	Depth from Surface Feet to Feet	Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0 160	Blank	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563			
1	160 420	Screen	PVC	OD: 5.563 in. SDR: 21 Thickness: 0.265 in.	0.265	5.563	Milled Slots	0.032	

Annular Material

Depth from Surface Feet to Feet	Fill	Fill Type Details	Filter Pack Size	Description
0 20	Bentonite	Other Bentonite		Sanitary Seal
20 420	Filter Pack	Other Gravel Pack	3/8 Inch	Pea Gravel

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	420	10

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	FISCH DRILLING		
	Person, Firm or Corporation		
	3150 JOHNSON ROAD	HYDESVILLE	CA 95547
	Address	City	State Zip
Signed	<i>[Signature]</i> electronic signature received	07/10/2017	683865
	C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number

Attachments

Scan.pdf - Location Map

DWR Use Only											
Site Number / State Well Number											
<div style="display: flex; justify-content: space-around;"> </div>						<div style="display: flex; justify-content: space-around;"> </div>					
N						W					
Latitude Deg/Min/Sec						Longitude Deg/Min/Sec					

TRS:

APN:

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**

PART A: Part A may be completed by the applicant

Applicant Name: Rising Sun Ranch Farms, Inc. APN: 316-331-012

Planning & Building Department Case/File No.: Apps No. 11745

Road Name: Unnamed Access Road (complete a separate form for each road)

From Road (Cross street): Old Three Creek Rd.

To Road (Cross street): Unnamed Access Road

Length of road segment: .5 miles Date Inspected: 8/6/19

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

Check one of the following:

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

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

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

Roshawn Beere
Signature

9/18/19
Date

Roshawn Beere
Name Printed

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





APN:316-331-012

APPS No:11745

APPS No: 11745

APN: 316-331-012



Access Road Map



Road Photo#1



Road Photo#2



Road Photo#3



Road Photo#4



Road Photo#5



Road Photo#6



Pre-Existing Cultivation Area Investigation

App 11745

Prepared For:

Rising Sun Ranch Farms, Inc

APN: **316-331-012**

88 Cedar Ed Road

Blue Lake, CA 95525

Signature of Civil Engineer

5/31/18

Date



Seal



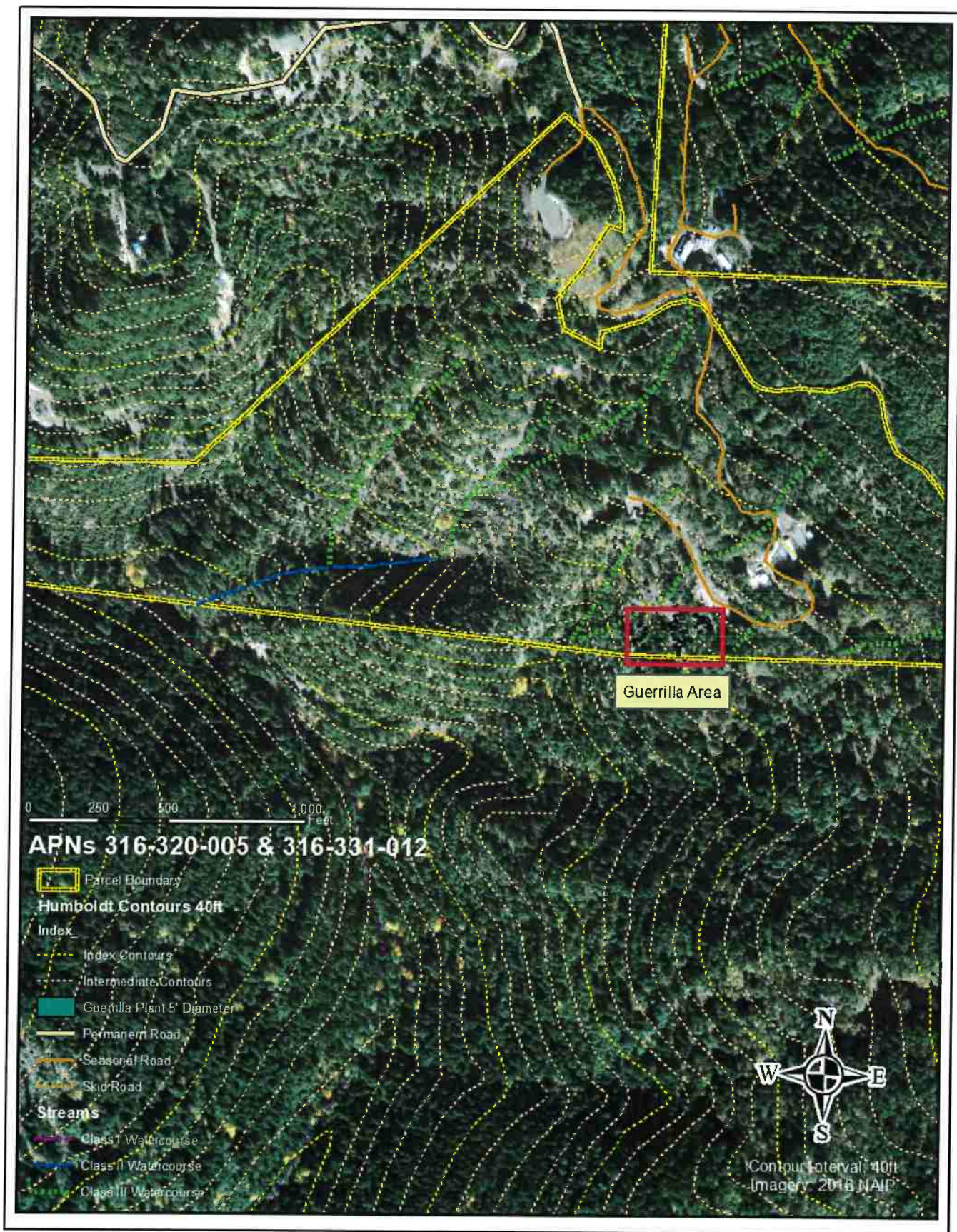


Figure 1: Overview of APN 316-331-012, with location historic Guerrilla cultivation sites.



Figure 3: More photographs of Guerrilla grow plants in the field. 108 total plants were marked and counted.

Individual plants were flagged in the field and marked with the hand-held GPS unit. Data collected during the field investigation, including the GPS points of each plant, were imported into ESRI ArcMap (Figure 4). Cannabis plants, especially those grown outdoors and away from densely planted cultivation sites, can grow to be quite large. It was assumed that individual plants were spaced such that a maximum canopy area of 78.5 square feet (10-foot diameter) could be achieved. A buffer tool was used to designate a buffer area around each plant equaling 78.5 square feet (Figure 6).



Figure 6: A close-up map of the guerrilla grow area with 5-foot radius plant canopy buffers added around each plant point.



Figure 7: TerraServer image dated 6/09/2015 showing locations of existing mixed light and outdoor cultivation, prepared for Humboldt County by a third-party consulting agency.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional approval	Attached
CalFIRE		No Response	
California Department of Fish & Wildlife		No Response	
Northwest Information Center	✓	CRS adequate, recommendations and conditional approval	On file and confidential
Hoopa Valley Tribe		No Response	
Tsnungwe Council		No Response	
Green Point School District		No Response	
County Counsel		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT ~ PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION

Name Roshawn Beere
Address 1 PO Box 10 **Address 2**
City Bayside **State** CA **Zip** 95524

OWNERS NAME AND MAILING ADDRESS

Name Beere Namid R **Email**
Address 1 **Address 2**
City Bayside **State** CA **Zip** 95524

SITE INFORMATION

Parcel Number 316-331-012-000 **Application Number** PLN-11745-CUP
Street Address **City** **State** **Zip**

PRESITE INVESTIGATION

Project is already started Yes	AOB Inspection No
Soil report is required due to Site Conditions	Project appears to be within wet area None
Project is in flood zone A per No	FIRM panel number
Flood elevation certificate required No	Is 2nd Flood Certificate Required? No
Plans stamped by a licensed person required No	SRA requirements apply No
SRA water storage requirements apply No	Lot created prior to 1992
Appr.SRA req. need to be shown on plot plan No	Plot plan incomplete, must be revised Yes
Driveway slope appears to be Under 16%	Submit engineered foundation for None
Grading permit required No	Applicant must locate property lines Yes
Incomplete submittal Construction Plan No	Other concerns exist Yes
Erosion and sediment control measures req. Small Projects	

Inspector Notes

Plan Refer
10/17/19
- all photos lost and can not be retrieved at this time
- water storage and well appear to be located as per plot plan
- yurt size is 30' dia with a fabric membrane
- GH # 5 is a wood frame structure
- dry shed #2 is approximately 16'x20', #1 dry shed 16'x16', dry shed #3 12'x18'
- show distance from structures and cannabis on plot plan
- all cannabis appears to be a min of 200' from any water course
- all interior access roads should be maintained to prevent water running down roads and create erosion, use BMP
- a soils report will be required for GH # 1&11, also for dry shed # 3
- md

QUESTIONS? Please contact the County of Humboldt Building Division



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

9/27/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, **Building Inspections**, RWQCB, NCUAQMD, School District: Green Point, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Hoopa Valley Tribe, NWIC, Tsungwe Council

Applicant Name Roshawn Beere **Key Parcel Number** 316-331-012-000

Application (APPS#) PLN-11745-CUP **Assigned Planner** Misael Ramos 707-441-2633

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: 10/12/2019

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: 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: 10/15/19

PRINT NAME: Michael Daman

PLN-11745-CUP

STATUS
Roshawn Beere - 13,048 outdoor existing c...
An Conditional Use Permit for 13,048 squar...

LOCATION
> None Provided

CONTACT
> Beere Namid R

WORKFLOW
> 15 total Task
● 9 completed ○ 1 active

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Summary

Project Description
ALS Filter table

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (1)

Payment

Workflow History (15)

Agency	Other Name(Text)	Sent	Response Received	Reviewer(Text)	Status	Comments(Text Area)
AG Commissioner		09/27/2019			--Select--	check spelling
County Counsel		09/27/2019			--Select--	check spelling
District Attorney		09/27/2019			--Select--	check spelling
Environmental Health		09/27/2019	09/30/2019	BDOLF	Approved with Conditions	Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be check spelling

Benjamin Dolf

"Applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources."



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE
WEB: CO.HUMBOLDT.CA.US

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

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

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

LAND USE	445-7205
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LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Misael Ramos, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 10/04/2019

RE:

Applicant Name	ROSHAWN BEERE
APN	316-331-012
APPS#	PLN-11745-CUP

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"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted a road evaluation report dated 09/18/19, stamped received by the Humboldt County Planning Division, with Part A- Box 2 checked, certifying that the roadway is equivalent of a road cat 4 standard.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11745

☐ **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: (AT COUNTY MAINTAINED RD)**

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 //