



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: May 6, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Moon and Stars Farm, Inc. Special Permit**
Application Number 11252
Case Numbers SP 16-183
Assessor's Parcel Number (APN) 316-065-008
27420 State Highway 36, Willow Creek

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Please contact Jordan Mayor, Senior Biologist and Contract Planner, at 707-683-4711 or by email at jordan.mayor@icf.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Special Permit	Jordan Mayor

Project Description: Moon and Stars Farm, Inc. seeks a Special Permit (SP-16-183) for an existing 8,250-square-foot (SF) cannabis cultivation operation. The current cannabis cultivation operation consists of 4,855-SF of mixed-light cultivation but plans are to expand the footprint of some greenhouses and to cultivate outdoors around greenhouses to reach the permit limit in the future. Existing cannabis cultivation occurs in seven mixed-light greenhouses on a terraced location on the 51-acre parcel. Irrigation water is sourced from an existing, permitted groundwater well. Cannabis plant irrigation is completed by a timed, drip irrigation system. Existing available storage includes 53,000 gallons of hard tank water storage, comprised of 17 onsite hard plastic water tanks. Estimated annual irrigation water usage is approximately 63,050 gallons (6.3 gallons/SF/year). Drying and curing will take place onsite without the use of additional employees, and processing will occur offsite at a licensed facility until an existing 480-SF building can be permitted for processing by the applicant and other owners. Power for the operation is supplied by a 2-kilowatt (kW) solar array and a 7-kW Kubota GL emergency-use generator. Plans include installation of an additional 7 kW of solar power and associated battery storage which will allow for cultivation of the full 8,250-SF operation without use of any generator. Six Rivers National Forest borders the northern portion of the parcel, across from State Highway 299, more than 2,200 feet from the cultivation area.

Project Location: The project is located in Humboldt County, in the Willow Creek area, on the north and south sides of State Highway 299, approximately 4.9 miles east from the intersection of State Highway 299 and Titlow Hill Road, on the property known as 35220 State Highway 299 (APN: 316-065-008).

Present Plan Land Use Designations: Timberland (T) Density: 40-160 acres per unit, Slope Stability: Moderate Instability (3).

Present Zoning: Timberland Production (TPZ)

Record Number: PLN-11252-SP

Assessor's Parcel Number: 316-065-008

Applicant

Moon and Stars Farm, Inc.
600 F Street
Arcata, CA 95521

Owner

Thomas O'Connor
PO Box 505
Willow Creek, CA 95573

Agent

Green Road Consulting, Inc.
Kaylie Saxon
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 Zoning Administrator

Major Issues: None

Recommended Zoning Administrator Action

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

Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Moon and Stars Farm, Inc. Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: Moon and Stars Farm, Inc. seeks a Special Permit to allow the continued operation of an existing 8,250-square-foot (SF) cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, CMMLUO. The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timberland Production (TPZ). The current cannabis cultivation operation consists of 4,855-SF of mixed-light cultivation but plans are to expand the footprint of some greenhouses and outdoor cultivation around the greenhouses to reach the permit limit in the future. Existing cannabis cultivation occurs in seven mixed-light greenhouses on a terraced location on the 51-acre parcel. Two ancillary nursery areas occur between greenhouses. One annual harvest will occur in the outdoor area and up to two harvests for the mixed-light greenhouses for a growing season that extends from April through October. The floors and foot paths in the greenhouse are made of natural soil and in compliance with Humboldt County Code section 314-43.1.3.2. Drying and curing will take place onsite without the use of additional employees, and processing will occur offsite at a licensed facility until an existing 480-SF building can be permitted for processing by the applicant and other owners. Power is provided by a 2-kilowatt (kW) solar array and a 7-kW Kubota GL emergency-use generator. Plans include installation of an additional 7 kW of solar panels and associated battery storage which will allow for cultivation of the full 8,250-SF operation without use of any generator. Portable toilets are in continual use until a permitted or exempted onsite wastewater system can be developed for the site per the conditional approval by the Division of Environmental Health (17/18-0385). The cultivation areas and greenhouse are secured with a closed-loop camera system and the entrance road has three locked gates to prevent unwanted access.

Timber Conversion

A Less-Than-3-Acre Conversion Exemption (Attachment 3) was prepared by Timberland Resource Consultants in 2015 and accepted by the California Department of Forestry and Fire Protection in January 2016 (1-16EX-010-HUM; Attachment 3). Approximately 2.5 acres of timberland were observed to have been converted to agriculture between 2005 and 2009 and in the planned thinning for a defensible fire space, a value below the 3-acre conversion exemption maximum. The Registered Professional Forester identified areas near the terraced cultivation area of the property that exceed 30% in slope and are in need of timber harvesting in order to properly treat the site for hazard reduction, and provided logging slash and woody debris treatment recommendations for any hazard reduction activities.

Water Resources

Water for irrigation is provided by two permitted deep-bedrock wells, a 160-foot-deep well (13/14-0252) and a 265-foot-deep well (16/17-0512), both with an estimated 5 gallons/minute yield based on 4-hour pump tests (Attachment 3). Sufficient water storage exists on site (53,000 gallons in 17 hard tanks) to nearly meet current annual demands of approximately 63,050 gallons (6.3 gallons/SF/year).

A small Domestic Use Appropriation is filed for a nearby natural spring on a neighboring parcel should the applicant want to use it for domestic purposes. A Final Lake or Streambed Alteration Agreement (LSAA 1600-2015-0394-R1) with the California Department of Fish and Wildlife (CDFW) was prepared in January 2016 (Attachment 3) that allowed for the applicant to proceed with their described project (i.e., two encroachment notifications, no actual work proposed) for a 5-year term. The LSAA allowed for a maximum instantaneous diversion rate not to exceed 1 gallon/minute and not to exceed 25% of the total flow at any time and the monitoring of domestic use, among other things; compliance with the current and future LSAA's are made a condition of approval. According to the Addendum 10 of the LSAA, neither Class II spring diversions were considered hydrologically connected with any downstream watercourse. Both diversions consist of wooden spring boxes, which were present when the current landowner purchased the property approximately 10 years ago (2006); the diversions were believed to have been installed in 1996. Both diversions are located on SPI Timberlands and they are aware of the diversions. The landowner and Tom Walz of SPI have visited the sites together.

The Water Resource Protection Plan (WRPP) prepared by Timberland Resource Consultants in 2017 identified and prioritized three sites on the parcel requiring remediation. A 2018 WRPP update by Green Road Consulting in 2018 states the applicant was on track to complete the three mitigation measures by their projected dates (Attachment 3). There are three Class III and one Class II stream crossings on the site, all more than 400 feet from cultivation activities. Willow Creek, the Class II, bisects the property on the north side of State Highway 299, a distance over 400 feet from the nearest cultivation boundary. Gregg Creek enters into Willow Creek near State Highway 299, just east of the parcel boundary, and the two unnamed Class III watercourses are located at the southern portion of the parcel, some 1,000 feet from the cultivation area. There is a single stream crossing associated with one of the unnamed Class III streams onsite. Preparation of a Site Management Plan will be required to abide by State Water Resources Control Board 2019 Cannabis Policy, and this has been made a condition of approval.

Biological Resources

No biological resource report has been prepared for the site and no site development is proposed. The nearest Northern Spotted Owl (NSO) activity center is located approximately 0.77 mile southeast from the cultivation area, lands surrounding the site are heavily forested; thus there is high potential for NSO habitat. The California Natural Diversity Database indicates the parcel is habitat for California globe mallow and Bald Mountain milk-vetch, two special-status plant species. Per the applicant, one 7-kilowatt generator is used only under emergency conditions onsite and this will meet 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 decibels at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, and greenhouse fan or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service.

The project has been conditioned to ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during the 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 Association 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 affect NSO or other sensitive species.

Tribal Cultural Resource Coordination

There are no known tribal cultural resources on the project site. The project was referred to the Northwest Information Center (NWIC), the Tsnungwe Council, and the Hoopa Valley Tribe in 2018. The NWIC responded that their office has no record of any previous cultural resource studies for the project area but that the project area has the possibility of containing unrecorded archaeological site(s), and

recommended contacting local tribes. The Tribal Historic Preservation Officer (THPO) of the Tsnungwe Council reported they have no objections to the project and the THPO for the Hoopa Valley Tribe recommended an appropriate Cultural Resource Survey be conducted if major ground disturbance is planned. Archaeological Research and Supply Company prepared a Cultural Resources Investigation report for their survey of 6 acres on the project site in October 2020. The report found no significant historic resources located as a result of this survey and no pre-existing resources have been recorded on the property. The project is conditioned with ongoing Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.

Access

Access to the site is via a driveway on the east side of State Highway 299 near post mile 33.7, approximately 0.25 mile south from the intersection of New 3 Creeks Road and State Highway 299, on the property known as 35220 State Highway 299. California Department of Transportation (Caltrans), in a September 11, 2017 letter, raised concerns regarding the sight-distance for the paved driveway that serves only this one parcel, the lack of an encroachment permit with the neighboring landowner, and the need for an easement across all parcels underlying the driveway. A professional engineer with Green Road Consulting prepared a Road Evaluation for the 20-foot-wide, paved driveway and recommended the applicant avoid westbound turns onto State Highway 299 given the site distance west is only 389 feet whereas eastbound site distance is 1,106 feet. Caltrans re-referral response indicated that encroachment permit applications are typically denied when driveways do not meet standards and that a design exemption would be needed. The project has been conditioned to obtain an encroachment permit from Caltrans for any driveway connection to State Highway 299. Public Works, Land Use Division recommended Planning conduct additional review. A Consulting Services Agreement with Whitchurch Engineering, Inc., dated October 13, 2020, indicates the consultant shall furnish a topographic survey and preliminary design plans necessary to correct driveway deficiencies identified in a meeting with Caltrans on October 2, 2020 in order to obtain an encroachment permit for the site. Furnishing a letter from Caltrans stating their concerns have been met is made a condition of approval. In the interim, the applicant shall continue to refrain from turning westbound on State Highway 299, which is prohibited by double-yellow centerline, as a condition of approval.

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 MND that was adopted for the CMMLUO and has prepared an addendum to this document for consideration by the Zoning Administrator (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 Special Permit.

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-
Record Number PLN-11252-SP
Assessor's Parcel Number: 316-065-008**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act (CEQA) and conditionally approves the Moon and Stars Farm, Inc., Special Permit.

WHEREAS, Moon and Stars Farm, Inc., submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 8,250-square-foot (SF) cannabis cultivation operation. The current cannabis cultivation operation consists of 4,855-SF of mixed-light cultivation but plans are to expand the footprint of some greenhouses and to cultivate outdoors around greenhouses to reach the permit limit in the future along with appurtenant propagation and drying activities;

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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. 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; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on May 6, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Special Permit to allow 8,250 SF of an existing cannabis cultivation operation currently consisting of 4,855 SF of mixed-light cannabis in seven existing light-deprivation greenhouses on the 51-acre parcel. Power is provided by a solar array and a backup 7-kilowatt generator. Plans include installation of an additional 7 kW of solar power and associated battery storage which will allow for cultivation of the full 8,250-SF operation without use of any generator. Water for irrigation is provided by two permitted groundwater wells and 17 HDPE water tanks totaling 53,000 gallons of storage.

EVIDENCE: a) Project File: PLN-11252-SP

- 2. FINDING:** **CEQA.** The requirements of CEQA have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- EVIDENCE:**
- a) 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 Water Resources Protection Plan was prepared in 2017 by Timberland Resource Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. An update prepared in 2018 by Green Road Consulting stated the applicant was on track to complete the three mitigation measures.
 - d) No biological assessment was conducted in the project area and the parcel is shown as habitat for two special-status plants based on the California Natural Diversity Database search. Northern Spotted Owl habitat exists in the vicinity but the nearest activity center is 0.77 mile southeast of the site. Conditions of approval will require noise to be at or below 50 decibels at 100 feet, which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. The project has been conditioned to ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps.
 - e) A Less-Than-3-Acre Conversion Exemption was prepared by Timberland Resource Consultants and accepted by California Department of Forestry and Fire Protection in 2016. Approximately 2.5 acres of timberland were observed to have been converted to agriculture between 2005 and 2009 and in the planned thinning for a defensible fire space, a value below the 3-acre conversion exemption maximum. The Registered Professional Forester identified areas on the property in need of timber harvesting in order to properly treat the site for hazard reduction and provided logging slash and woody debris treatment recommendations.
 - f) The Tribal Historic Preservation Officer of the Hoopa Valley Tribe requested that a Cultural Resource Survey be conducted if major ground disturbance was proposed. The survey report included the standard Inadvertent Discovery language to be used on the project. Archaeological Research and Supply Company prepared a Cultural Resources Investigation report for their survey of 6 acres on the project site in October 2020. The report found no significant historic resources located as a result of this survey and no pre-existing resources have been recorded on the property. The project is conditioned with ongoing Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources.
 - g) The site is accessed by a paved 20-foot-wide access road off of State Highway 299 and the applicant is conditioned to obtain an encroachment permit from Caltrans to make the road suitable for safe access to and from the project site.

FINDINGS FOR SPECIAL 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) Permitted accessory agriculture is a use type permitted in the Timberland Production Zone (TPZ) land use designation. The proposed cannabis cultivation, an agricultural product grown outdoors and within greenhouses, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture 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 TPZ-Zone in which the site is located.
- EVIDENCE** a) The TPZ-Zone is applied to areas of the County in which timber production and accessory agricultural uses and structures are the desirable predominant uses.
- b) All accessory agricultural uses are principally permitted in the TPZ-Zone. Permitted agricultural accessory structures such as greenhouses which do not result in lot coverage exceeding 5 acres on lots 20 acres or larger in size, or exceeding 25% of the lot coverage for lots less than 20 acres in size, either individually or collectively, are allowed.
- c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 10,000 SF of existing outdoor cannabis and existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 8,250 SF of outdoor and mixed-light cannabis cultivation in seven existing greenhouses and full-sun outdoor cultivation at a single terraced location on the 51-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 (Section 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration through a lot line adjustment recorded as document number 1992-35457.
- c) The project will obtain water from a non-diversionary water source.
- d) The site is accessed by a paved 20-foot-wide access road off of State Highway 299 and the applicant is conditioned to obtain an encroachment permit from Caltrans to make the road suitable for safe access to and from the project site.
- e) The slope of the land where cannabis will be cultivated is on terraces that are less than 15%, whereas the surrounding slopes are approximately 30%.

- f) The cultivation of cannabis will not result in the net conversion of timberland. A Timber Conversion Report was completed by Timberland Resource Consulting in 2019. The Report found 1.21 acres of previously unauthorized timber conversion occurred between 2005 and 2009. The site was found to be in compliance with the California Forest Practice Act without remediation recommendations.
- 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 and more than 600 feet from any school, church, public park or tribal cultural resource. Six Rivers National Forest borders the northern portion of the parcel, across from State Highway 299, over 2,200 feet from the cultivation area.

6. FINDING

The cultivation of 8,250 SF of cannabis 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 accessed by a paved 20-foot-wide access road from State Highway 299 and the applicant is conditioned to obtain an encroachment permit from Caltrans to make the road suitable for safe access to and from the project site.
- 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 sizes in the area.
- c) Irrigation water will come from two permitted deep-bedrock wells, a 160-foot-deep well (13/14-0252) and a 265-foot-deep well (16/17-052), both with an estimated 5 gallons/minute yield based on 4-hour draw-down tests.
- d) 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 but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

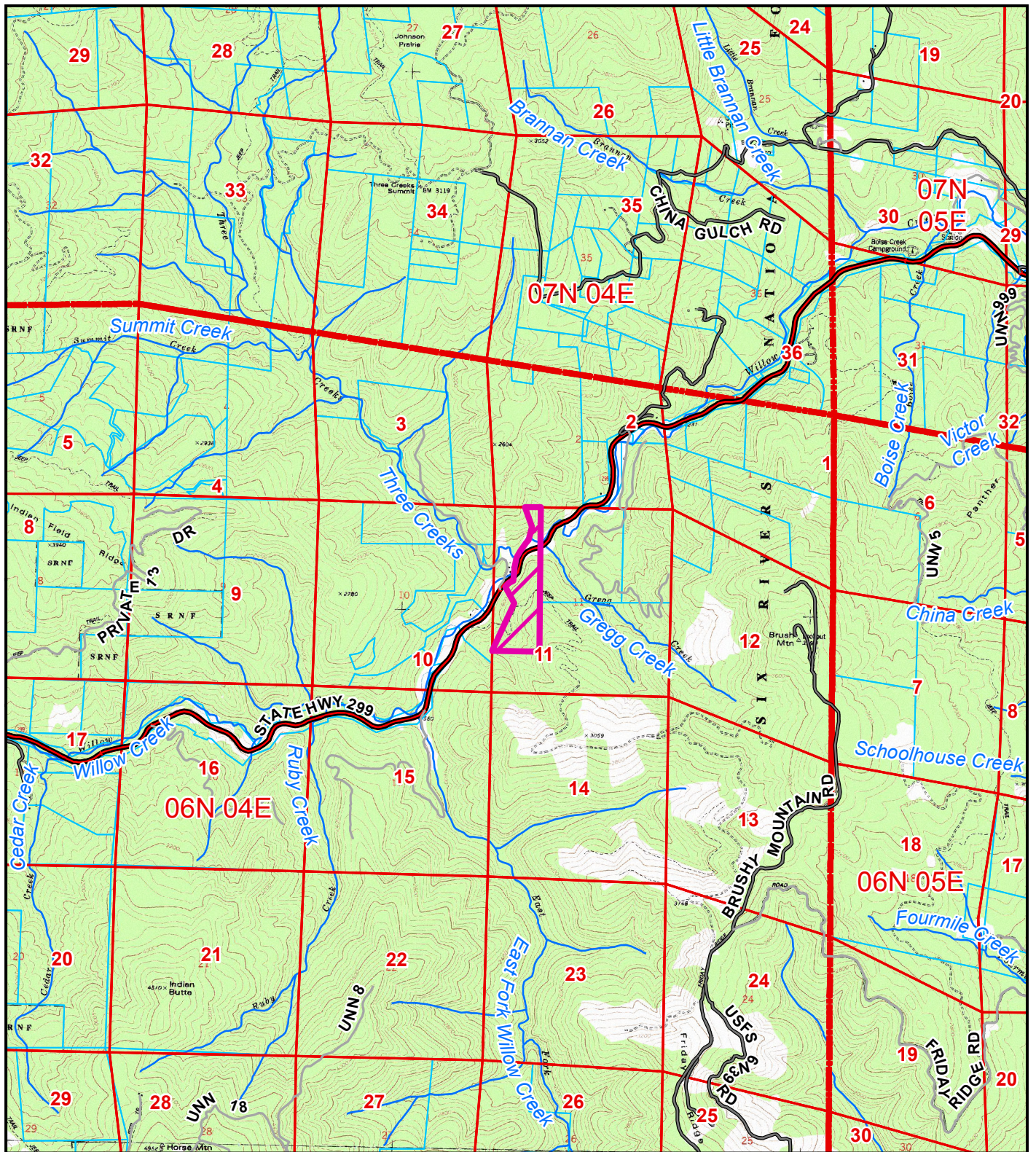
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Moon and Stars Farm, 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 May 6, 2021

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

John Ford, Director
Planning and Building Department

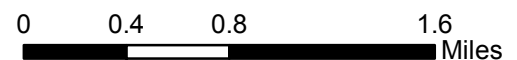


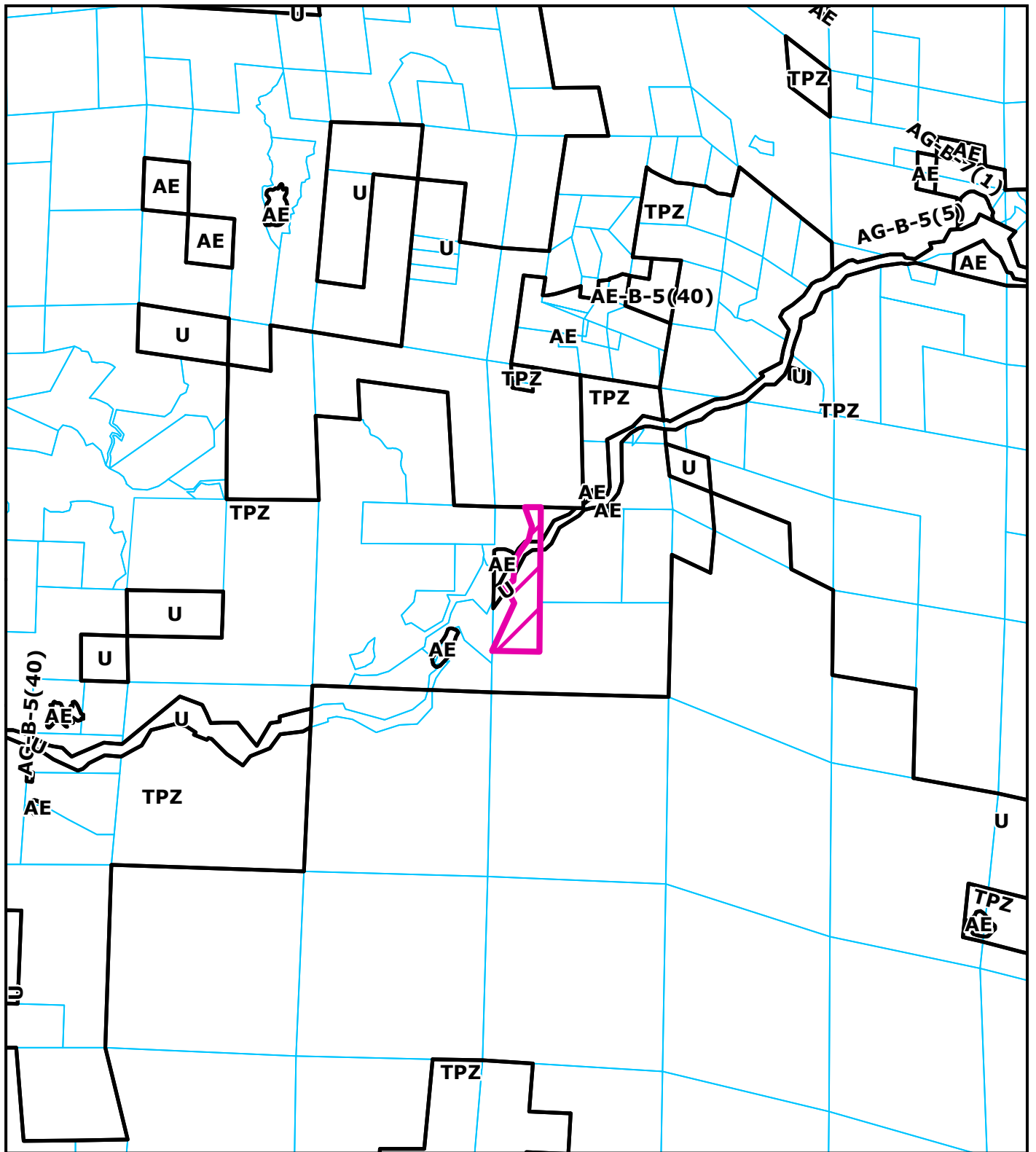
TOPO MAP
PROPOSED MOON AND STARS FARM, INC.
KORBEL AREA
SP-16-183
APN: 316-065-008
T06N R04E S11 HB&M (WILLOW CREEK)

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.

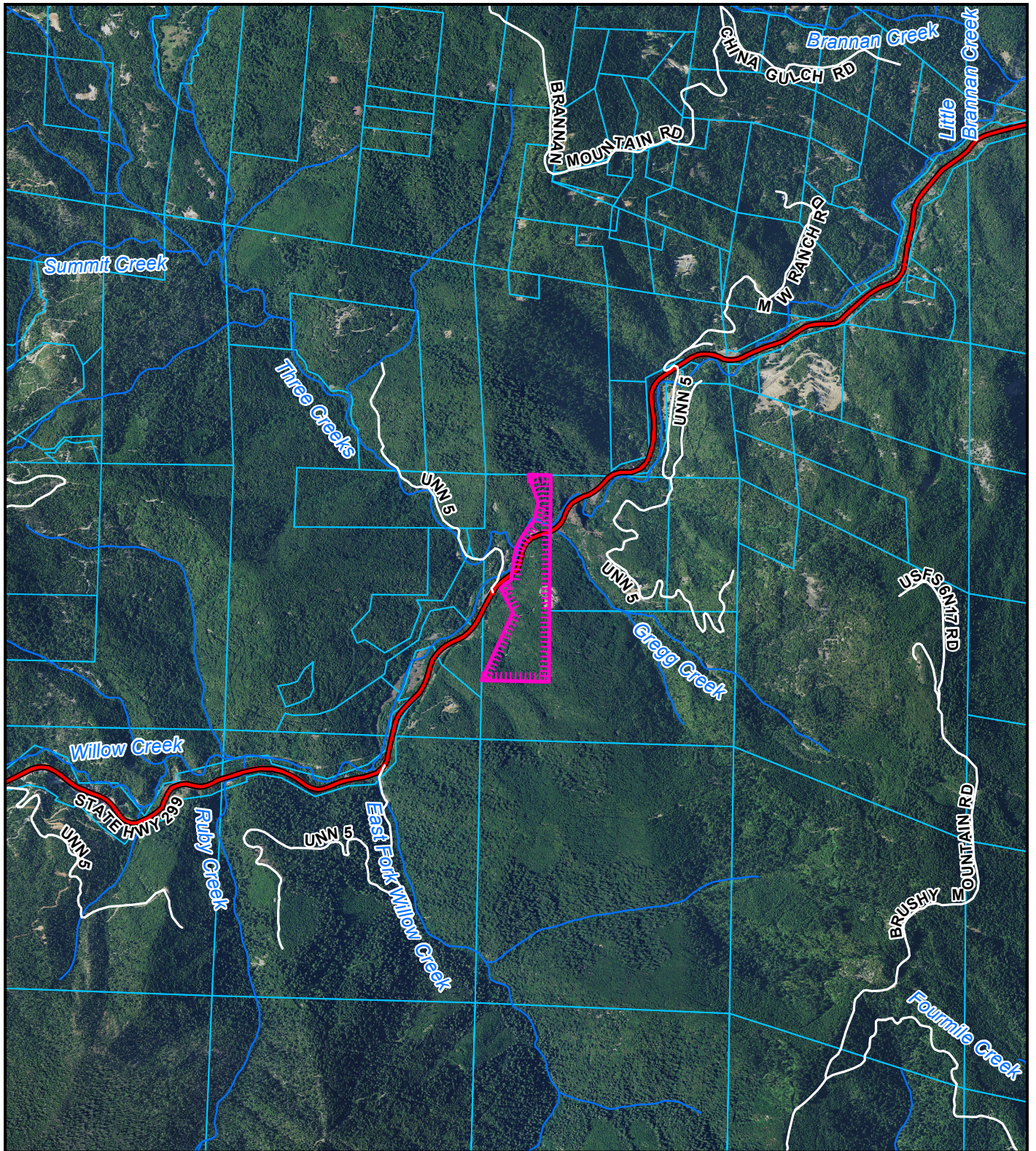




Project Area =

ZONING MAP
PROPOSED MOON AND STARS FARM, INC.
KORBEL AREA
SP-16-183
APN: 316-065-008
T06N R04E S11 HB&M (WILLOW CREEK)

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.



**AERIAL MAP
PROPOSED MOON AND STARS FARM, INC.
KORBEL AREA
SP-16-183
APN: 316-065-008
T06N R04E S11 HB&M (WILLOW CREEK)**

Project Area = 

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

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Miles



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MOON AND STARS FARM, INC.

APN: 316-065-008

AERIAL

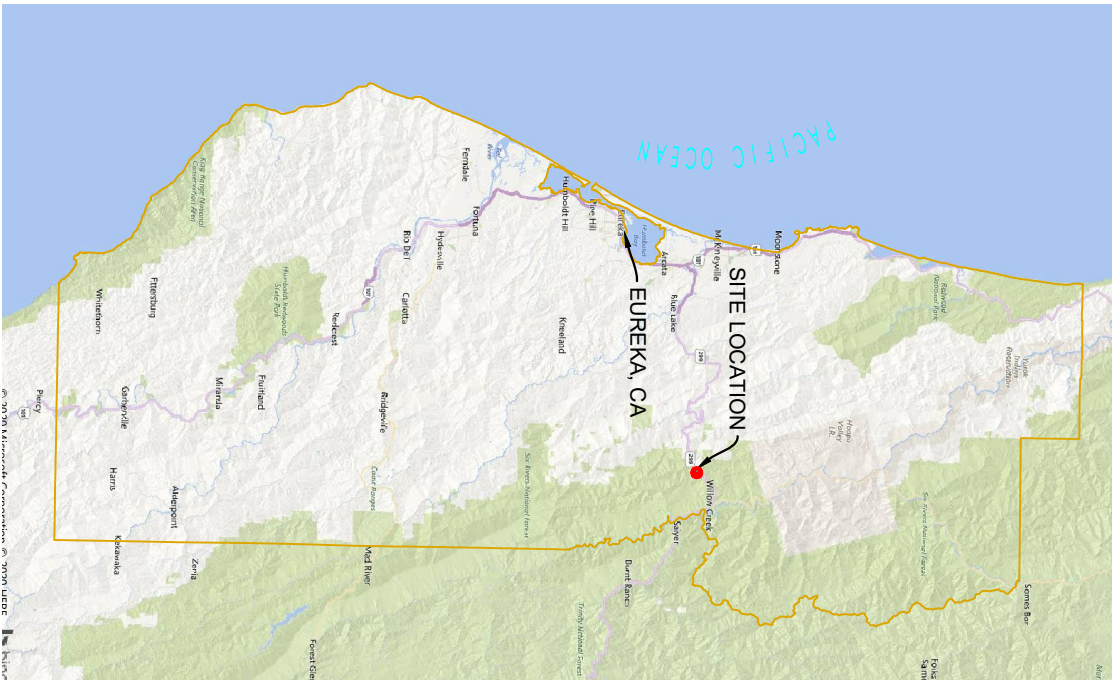


IMAGE SOURCE: BING 2020

PROJECT DIRECTIONS

- FROM: EUREKA, CA
- HEAD NORTH ON US-101 (9MI)
- TAKE EXIT 716A FOR CA-299 TOWARD
- WEAVERVILLE/REDDING (0.2 MI)
- CONTINUE ONTO CA-299 (32.9 MI)
- DRIVEWAY ON RIGHT

TRAVEL TIME

APPROXIMATELY: 48 MIN (42.9 MI)

SHEET INDEX

- CP-COVER PAGE
- C1-PARCEL OVERVIEW

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

PROJECT INFORMATION

LAT/LONG: 40.9181, -123.6958
APN: 316-065-008
APPLICANT: MOON AND STARS FARM, INC.
PARCEL SIZE: ± 52 ACRES
ZONING: TPZ
APPLICATION TYPE:
TYPE 1B ZONING CLEARANCE
TYPE 2 SPECIAL
COASTAL ZONE: N
100 YEAR FLOOD: N

AGENT:

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

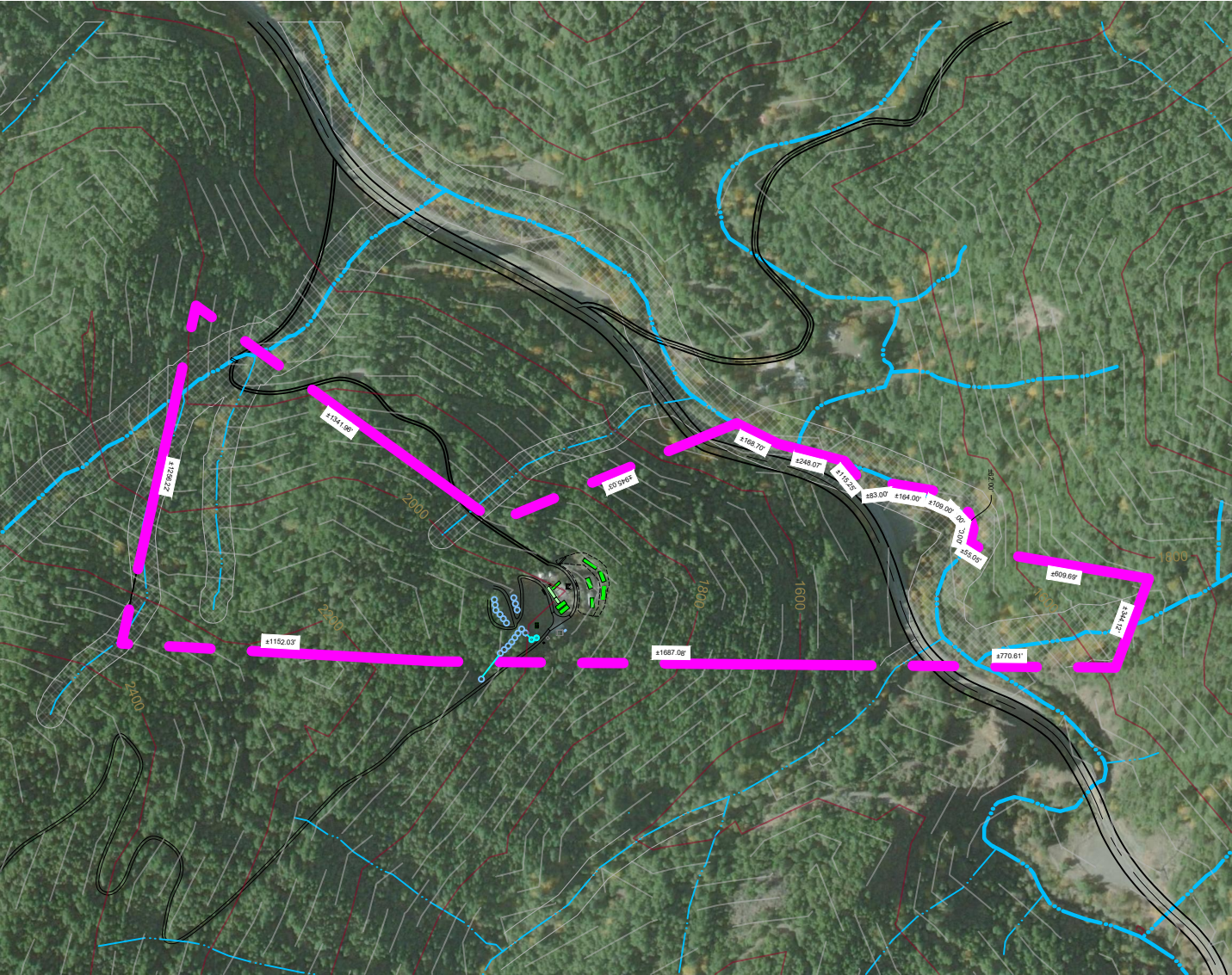


IMAGE SOURCE: BING 2020



NOTE:
PROPERTY BOUNDARY AS SHOWN ON THIS EXHIBIT, BY DYLAN L KOISTAD, IS 8152, ON FILE AT KOISTAD LAND SURVEYORS

PROJECT INFORMATION

PROPERTY OWNER	TOM O'CONNOR
ADDRESS	35220 CA-299, WILLOW CREEK, CA 95573
SHEET INFO	COVER PAGE



REVISIONS		
NO	NOTES	DATE
1	NOTES-INITIALS	00-00-00
2	NOTES-INITIALS	00-00-00
3	NOTES-INITIALS	00-00-00
4	NOTES-INITIALS	00-00-00
5	NOTES-INITIALS	00-00-00
6	NOTES-INITIALS	00-00-00
DATE		
DRAFTER		
SCALE		
SHEET		
CP		

PARCEL OVERVIEW

APN: 316-065-008

PREMISES

1"=70'

PREMISE AREA : 49238.55 SQ FT

CULTIVATION INFORMATION

SPECIALTY MIXED LIGHT TIER 1 CULTIVATION AREA

GH	LENGTH	WIDTH	SQ FT
1	40	16	640
2	40	15	600
3	57	13.5	769.5
4	40	10	400
5	38	16	608
6	48.50	10.83	525.3
7	40	16	640
8	44	16	704
TOTAL MIXED LIGHT CULTIVATION AREA = 4,854.8 SQ FT			

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
PROCESSING BUILDING	PROCESSING/PACKAGING/LABELING	24'x20'	2010
ADMINISTRATIVE HOLD AREA/BUSINESS FILES STORAGE	ADMINISTRATIVE HOLD AREA/BUSINESS FILES STORAGE	24'x20'	2010
NUTRIENT SHED	AG-CHEMICAL AREA/RECORD FILES STORAGE	8'x12'	2017
NURSERY #1	IMMATURE PLANT AREA	24'x12'	2018
NURSERY #2	IMMATURE PLANT AREA	48'x12'	2018

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
CABIN/SHOP	PLACE OF LIVING/TOOL STORAGE	40'x24'	1995
YURT #1	TEMPORARY LIVING SPACE	200'	2009
YURT #1	TEMPORARY LIVING SPACE	160'	2009

EXISTING WATER STORAGE AND USE

TYPE	LAT/LONG	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	40.9181, -123.6734	3	5,000	15,000
HDPE TANK	40.9189, -123.6749	2	3,000	6,000
HDPE TANK	40.9189, -123.6749	2	3,500	7,000
HDPE TANK	40.9189, -123.6749	10	2,500	25,000
TOTAL AMOUNT OF WATER STORAGE=				53,000 GALLONS

WATER SOURCE

TYPE	LAT/LONG	BENEFICIAL USE
WELL #1	40.9186, -123.6743	CANNABIS IRRIGATION
WELL #2 (DECOMMISSIONED)	40.9186, -123.6743	NONE

WATER SOURCE NOTE:

THE APPLICANT DOES NOT USE A SURFACE DIVERSION FOR CANNABIS IRRIGATION. THE APPLICANT USES TWO PERMITTED WELLS FOR CULTIVATION PURPOSES.

UNNAMED CLASS I & II STREAM WITH REQUIRED 100 FT BUFFER
UNNAMED CLASS III STREAM WITH REQUIRED 50 FT BUFFER

POWER SOURCE

7KW BACKUP GENERATOR
SOLAR

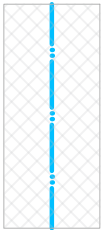
COMPOSTING AREA 12'x4' = 48 FT²

NOTE:

BOUNDARY AS SHOWN ON THIS EXHIBIT, BY DYLAN L. KOISTAD, LS 8152, ON FILE AT KOISTAD LAND SURVEYORS.

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.



CLASS I & II WATERCOURSE WITH REQUIRED 100 FT BUFFER



CLASS III WATERCOURSE WITH REQUIRED 50 FT BUFFER

PROJECT INFORMATION

PROPERTY OWNER TOM O'CONNOR
ADDRESS 35220 CA-299, WILLOW CREEK, CA 95573
SHEET INFO PARCEL OVERVIEW

REVISIONS

NO	NOTES	DATE
1	NOTES-INITIALS	00-00-00
2	NOTES-INITIALS	00-00-00
3	NOTES-INITIALS	00-00-00
4	NOTES-INITIALS	00-00-00
5	NOTES-INITIALS	00-00-00
6	NOTES-INITIALS	00-00-00

DATE 2/5/21
DRAFTER DV
SCALE AS SHOWN

SHEET C1



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

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 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 3 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, 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 #6 through #19. 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.
6. 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, water tanks over 5,000 gallons, existing and proposed structures associated with drying 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.
7. 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.
8. The applicant shall submit a grading, erosion and sediment control plan prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. 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.

9. The applicant shall obtain an encroachment permit from the California Department of Transportation for the driveway access to State Highway 299.
10. The applicant shall provide written assessment from a qualified septic consultant confirming a minimum of Tier 0 status for the existing onsite waste treatment system (OWTS) serving the dwelling. A letter or similar communication from the Division of Environmental Health verifying that the OWTS is permitted will satisfy this condition.
11. The applicant shall install water monitoring device on each source—the well and surface diversions if/when utilized, and storage tanks, as applicable—to monitor water used for cannabis irrigation separate from domestic use.
12. The applicant shall revise the Site Plan to clearly show the pathways of the watercourses and associated Streamside Management Area buffers.
13. The applicant shall abide by any current and future Lake or Streambed Alteration Agreements made (LSAA 1600-2015-0394-R1) with the California Department of Fish and Wildlife.
14. The applicant shall process all cannabis offsite at a licensed facility until the existing 480-SF building can be permitted for processing by the applicant and owners.
15. The applicant shall implement recommendations in the Timber Conversion Report dated January 2016 prepared by Timberland Resource Consultants if hazard reduction fuel thinning or regrowth is needed. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department.
16. The applicant shall implement all corrective actions detailed in the Water Resource Protection Plan prepared for the site in 2017 by Timberland Resource Consultants, including secondary containment of all fuels, and the recommendations of a Site Management Plan to be developed for the parcel, pursuant to Tier 1 enrollment under the State Water Resources Control Board Cannabis Cultivation Policy, in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. A letter or similar communication from the State Water Resources Control Board verifying that all their requirements have been met will satisfy this condition.
17. 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.
18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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.
19. 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 Humboldt County Code 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

Commercial Medical Marijuana Land Use Ordinance (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 States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. The light source used in the nursery greenhouse should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG).
3. The applicant shall ensure supplemental lighting associated with mixed-light cultivation is fully contained with blackout tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during the Northern Spotted Owl critical period (February 1–July 31) or perform protocol level surveys prior to initiating that work.
4. 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 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.
5. Ensure all generators and fuel be located on stable surfaces with secondary containment and with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
7. All refuse shall be contained in wildlife-proof storage containers, at all times, 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 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.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
13. 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 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 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 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.
14. 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.
15. 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.
16. 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).
17. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board 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.
18. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife.
19. 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, if applicable.
20. Consent to an annual onsite 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).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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 program, and in such a way that no spillage occurs.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

25. 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

26. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
27. 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).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- 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;
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - 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.
 - 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.
 - Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
- Processing practices
 - Location where processing will occur
 - Number of employees, if any
 - 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. Onsite housing, if any
31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire 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.
32. 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 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 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.
33. 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.
34. 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.
35. 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.
36. 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 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 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 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 #26 and 27 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 Zoning Administrator 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 MEDICAL MARIJUANA LAND USE
ORDINANCE**

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

**APN 316-065-008; 35220 State Highway 299, Willow Creek
County of Humboldt**

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

May 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 Special Permit (SP-16-183) for an existing 8,250-square-foot (SF) cannabis cultivation operation. The current cannabis cultivation operation consists of 4,855-SF of mixed-light cultivation but plans are to expand the footprint of some greenhouses and to cultivate outdoors around greenhouses to reach the permit limit in the future. Existing cannabis cultivation occurs in seven mixed-light greenhouses on a terraced location on the 51-acre parcel. Irrigation water is sourced from an existing permitted groundwater well. Cannabis plant irrigation is completed by a timed, drip irrigation system. Existing available storage includes 53,000 gallons of hard tank water storage, comprised of 17 onsite HDPE water tanks. Estimated annual irrigation water usage is approximately 63,050 gallons (6.3 gallons/SF/year). Domestic water may be supplemented by two nearby non-hydrologically connected natural springs on a neighboring parcel and the applicant has completed a Registration for Small Domestic Use Appropriation for the springs and signed a final Lake or Streambed Alteration Agreement for the surface diversions. Drying, curing, and trimming of cannabis will take place, onsite, without the use of additional employees. There is an existing 480-SF building for cannabis processing by the applicant and other owners. Power for the operation is supplied by a 2-kilowatt (kW) solar array and a 7-kW Kubota GL emergency-use generator. Plans include installation of an additional 7 kW of solar power and associated battery storage which will allow for cultivation of the full 8,250-SF operation without use of any generator. Six Rivers National Forest borders the northern portion of the parcel, across from State Highway 299, over 2,200 feet from the cultivation area.

The Tribal Historic Preservation Officer (THPO) of the Tsungwe Council reported they have no objections to the project and the THPO for the Hoopa Valley Tribe recommended an appropriate Cultural Resource Survey be conducted if major ground disturbance is planned. Archaeological Research and Supply Company prepared a Cultural Resources Investigation report for their survey of 6 acres on the project site in October 2020. No biological resource report has been prepared for the site and no site development is proposed. The nearest Northern Spotted Owl (NSO) activity center is located approximately 0.77 mile southeast from the cultivation area; however, lands surrounding the site are heavily forested and thus there is high potential for NSO habitat. California Natural Diversity Database indicates the parcel is habitat for California globe mallow and Bald Mountain milk-vetch, two special-status plant species. We can conclude that while there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices.

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 ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and

ensuring project-related noise does not harass nearby wildlife, which will limit impacts on biological resources as a result of light and noise.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified MND if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent Environmental Impact Report (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 20,084 SF 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:

- Plot Plans prepared by Green Road Consulting dated 12/28/18 and received 3/14/19.
- Revised Plot Plans prepared by Green Road Consulting dated 2/5/21 and received 2/8/21.
- Cultivation and Operations Plan prepared by Green Road Consulting, undated, and Addendum dated 5/2/18.
- Water Resources Protection Plan dated March 2017 prepared by Timberland Resource Consultants, and the update prepared by Green Road Consulting dated May 2018, for the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- Well Completion Reports 16/17-0512 and 13/14-0252 dated 4/10/14 and 12/2/17.
- A Final Lake or Streambed Alteration Agreement (1600-2015-0394-R1) signed 1/31/16.
- Timber Conversion Evaluation Report prepared by Timberland Resource Consultants dated 12/17/19.

- Access Road Evaluation prepared by Green Road Consulting dated 11/14/17.
- California Department of Transportation (Caltrans) project referral response dated 9/14/17 and received 9/21/17.
- Caltrans re-referral response dated 9/25/19.
- Caltrans re-referral response outcome letter to Green Road Consulting dated 10/1/19.
- Consulting Services Agreement with Whitchurch Engineering, Inc., dated 10/13/20.
- Division of Environmental Health referral response dated 8/22/17.
- Notice of Applicability with Water Quality Order WQ 2019-0001-DWQ dated 9/24/19.
- State Waterboard Online Cannabis Water Quality Monitoring & Reporting Program submission dated 3/4/21.

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 form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 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. (Plot Plans prepared by Green Road Consulting dated 12/28/18 and received 3/14/19 – 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 the applicant, undated, and the Addendum dated May 2018 - 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. (Initial Statement of Water Diversion and Use Enrollment under Waiver of Waste Discharge Requirements dated 9/23/15 - On file.)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan and Addendum (item 4. above) and Water Resource Protection Plan (WRPP) and Update 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. (WRPP prepared by Timberland Resource Consultants and Update prepared by Green Road Consulting – On file and Attached; to superseded by Site Management Plan Notice once prepared; Notice of Intent applicability and State Waterboard online reporting form – On file)
8. If any onsite or offsite 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. (Attached)

9. If the source of water is a well, a copy of the County well permit, if available. (Permit Number 16/17-0512 and 13/14-0252 – 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. (Less-Than-3-acre Conversion Exemption and Cal Fire acceptance dated 12/17/19 – Attached)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe “government to government” consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On file)
16. Caltrans re-referral response letter dated 9/25/19. (On file)
17. Consulting Services Retention Agreement with Whitchurch Engineering, Inc. dated 10/13/20. (Attached)
18. Access Road Evaluation report prepared by Green Road Consulting dated 11/14/17. (Attached)



**GREEN
ROAD**
CONSULTING

Applicant: Moon and Stars Farm, Inc.

Parcel: 316-065-008

Cultivation and Operations Plan

Site Plan Overview and Cultivation and Operations Plan



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Moon and Stars Farm, Inc.

600 F Street, Suite 3 #612

Arcata, CA 95521

Parcel: 316-065-008

Agent

Kaylie Saxon

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519



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I. Site Plan Overview

1.0 Project Information

Moon and Stars Farm, Inc. ("Applicant") is submitting this application for a Special Permit for existing Outdoor and Mixed Light commercial cannabis cultivation on a 68-acre parcel, located in Willow Creek, CA ("Parcel"), Assessor's Parcel Number 316-065-008.

The Applicant sources their cultivation water from two (2) existing, permitted wells. The Applicant also has access to a natural spring on a neighboring parcel for domestic water, but has discontinued the use of this now that the wells are in place and permitted. The irrigation of cannabis is completed by a timed, drip irrigation system. There is a total of thirteen (13) HDPE water tanks on site that total 28,500 gallons of hard tank water storage. The Applicant estimates their annual cultivation water use to be approximately 56,200 gallons. The Applicant has completed a Registration for Small Domestic Use Appropriation for the spring should they want to continue using it for domestic purposes.

There is one (1) 8'x12' Nutrient Shed that was built in 2017, a 20'x24' Processing Building built in 2010, one (1), 24'x40' Cabin/Shop that was built in 1995 and two (2) yurts that were built in 1995, one (1) 20' and one (1) 16'. There are also eight (8) greenhouses of various sizes used for cultivation.

The Applicant is anticipating two (2) harvests from their greenhouses and one (1) harvest from the full term outdoor cultivation areas. The Applicant will be processing on site with collective members performing the processing.

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

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

- a. Permit 6,500 square feet of Outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Permit 3,500 square feet of Mixed Light commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- c. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Willow Creek, CA. The Parcel is comprised of 68-acres and is identified by Assessor's Parcel Number ("APN") 316-065-008. The street address for the Parcel is 35220 Highway 299 Willow Creek, CA 95573.

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 commercial cannabis cultivation on land zoned as TPZ with cultivation sites between 5,001 and 10,000 square feet with a Special Permit.

2.2 Site Topography

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

3.0 Easements

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

"THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Those portions of Sections 10 and 11, Township 6 North, Range 4 East, Humboldt Meridian, described as follows:

PARCEL ONE

Parcel "K" as shown on the Record of Survey for Steve Miller, filed in the Official County Records of Humboldt county, California in Book 54 of Surveys, pages 63 through 66.

RESERVING THEREFROM, a non-exclusive easement 50 feet in width for ingress, egress, public and private utilities over the existing road (designated at "Gregg Mountain Road") through portions of Section 10 and Section 11, Township 6 North, Range 4 East, Humboldt Meridian, the centerline of which being the same centerline as described in Parcel 3 of a Deed to Matthew C. Smith and wife, recorded March 18, 1992, as Recorder's File No. 1992-7212-5.

PARCEL TWO

A non-exclusive easement 50 feet in width, to reconstruct, maintain, repair and use an existing road, together with easements necessary to accommodate cut and fill slopes and drainage structure, the centerline of which is shown on the record of Survey referred to in Parcel One above and designated thereon as "Gregg Mountain Road" and extending from the intersection of said centerline with the Easterly line of said Parcel One and running Easterly, Southerly and thence Easterly to the Southeasterly line of State Highway 299.

EXCEPTING THEREFROM, that portion thereof lying within Parcel One above.

PARCEL THREE

A non-exclusive easement 50 feet in width for ingress, egress, public and private utilities over the existing road (designated as "Old Highway Road" through portions of Section 10 and Section 11, Township 6 North, Range 4 East, Humboldt Meridian, the centerline of which is more particularly described as follows:

BEGINNING at a point 996.74 feet South and 791.33 feet West of the East quarter section corner of Section 10, said point also being on the Southerly boundary of State Highway 299;

thence South 73 degrees 53 minutes East, 133.83 feet;

thence South 85 degrees 13 minutes East, 105 feet;

thence North 66 degrees 14 minutes East, 62 feet;

thence North 37 degrees East, 283 feet;

thence North 39 degrees East, 136 feet;

thence North 7 degrees East, 191 feet;

thence North 30 degrees East, 245 feet;

thence North 48 degrees East, 112.90 feet to a point on the East line of said Section 10, which point bears South 4 degrees 20 minutes 03 seconds West, 209.25 feet from the East quarter section corner of said Section 10;

thence continuing along the existing road into Section 11, North 48 degrees East, 22.10 feet;

thence North 34 degrees East, 142 feet;

thence North 12 degrees East, 117 feet;

thence North 35 degrees East, 234 feet;

thence North 61 degrees East, 166 feet;

thence North 37 degrees East, 50.92 feet to a point which bears 351.12 feet North and 414.39 feet East of the West quarter section corner of said Section 11, said point also bearing South 23 degrees 35 minutes 42 seconds East, 44.10 feet from an angle point in the Southerly boundary of State Highway 299.

PARCEL FOUR

A non-exclusive easement for ingress and electrical facilities for the purpose of installing, maintaining, repairing, replacing and/or removing water pumps, pipelines and water collection and storage facilities and all appurtenant fixtures, equipment and incidents thereto, within the following described parcel:

BEGINNING on the Westerly line of the Northeast Quarter of the Northwest Quarter of said Section 11, at a point distant thereon South 0 degrees 43 minutes 21 seconds East, 1147.84 feet from the Northwesterly corner thereof;

thence North 36 degrees 20 minutes East, 328.92 feet;

thence North 53 degrees 40 minutes West, 224 feet to the Southeasterly boundary of the State Highway 299;

thence South 42 degrees 45 minutes 35 seconds West, along the last mentioned line, 28.25 feet of the Westerly line of said Northeast Quarter of the Northwest Quarter of Section 11;

thence South 0 degrees 43 minutes 21 seconds East, along the last mentioned line, 376.97 feet, more or less, to the point of beginning.

PARCEL FIVE

The right to take and use one-half the available water from Gregg Creek. "

4.0 Natural Waterways

The Parcel has four (4) Class II watercourses and three (3) Class III drainages running through. The closest waterway to the cultivation is approximately 410 feet away.

5.0 Location and Area of Existing Cultivation

The 10,000 total square feet of cannabis cultivation occurs in multiple locations on the permitted Less Than 3 Acres Conversion located on the Parcel and can be viewed on sheet CO of the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Mixed Light

Mixed Light Greenhouse #1

Mixed Light Greenhouse #1 is to the north of the cabin/shop. It consists of approximately 640 square feet.

Mixed Light Greenhouse #2

Mixed Light Greenhouse #2 is to the northwest of Mixed Light Greenhouse #1. It consists of approximately 741 square feet.

Mixed Light Greenhouse #3

Mixed Light Greenhouse #3 is to the east of Mixed Light Greenhouse #2. It consists of approximately 640 square feet.

Mixed Light Greenhouse #4

Mixed Light Greenhouse #4 is to the south of the cabin/shop. It consists of approximately 704 square feet.

Mixed Light Greenhouse #5

Mixed Light Greenhouse #5 is located to the east of Mixed Light Greenhouse #4. It consists of approximately 640 square feet.

Outdoor

Outdoor Greenhouse #1

Outdoor Greenhouse #1 is located to the east of the Yurts. It consists of approximately 400 square feet.

Outdoor Greenhouse #2

Outdoor Greenhouse #2 is located in the northern most section of cultivation. It consists of approximately 504 square feet.

Outdoor Greenhouse #3

Outdoor Greenhouse #3 is located to the south of Outdoor Greenhouse #2. It consists of approximately 640 square feet.

Cultivation Area #1

Cultivation Area #1 is located in the northern most section of cultivation. It consists of approximately 2,540 square feet of full term outdoor cultivation.

Cultivation Area #2

Cultivation Area #2 is located to the west of Cultivation Area #1. It consists of approximately 450 square feet of full term outdoor cultivation.

Cultivation Area #3

Cultivation Area #3 is located to the east of Cultivation Area #1. It consists of approximately 260 square feet of full term outdoor cultivation.

Cultivation Area #4

Cultivation Area #4 is located to the north of the Processing Building. It consists of approximately 350 square feet of full term outdoor cultivation.

Cultivation Area #5

Cultivation Area #5 is located to the west of Cultivation Area #4. It consists of approximately 1,020 square feet of full term outdoor cultivation.

Cultivation Area #6

Cultivation Area #6 is located to the west of the cabin/shop. It consists of approximately 400 square feet of full term outdoor cultivation.

6.0 Setbacks of Cultivation Area

All of the cultivation areas are set back from the northern parcel line by at least 1,271 feet, the eastern parcel line by at least 201 feet, the southern parcel line by at least 1,693 feet and the western line by at least 361 feet.

7.0 Access Roads

The Parcel is located off Highway 299.

Roads are in good condition with no surface ruts, gullies or surface erosion resulting in sediment delivery to surface waters. Inside ditches on the property are filled with debris and vegetation, reducing their capacity and ability to adequately drain the road and hillslope runoff.

Roads on the property have adequate ditch relief or rolling dips to minimize surface flow erosions. One (1) ditch relief culvert does not have rock armoring at the outlet. One (1) ditch relief culvert needs to be unplugged or replaced.

Physical reconnaissance of the property revealed no active unstable areas. There are no available Geomorphic Features Map's for the USGS Willow Creek 705' quadrangle map.

Roads, clearings, fill prisms, and terraced areas are not hydrologically connected to wetlands, ephemeral, intermittent or perennial streams.

Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces have no apparent erosion or evidence of soil transport to receiving waters.

There is one (1) stream crossing a Class III drainage with a 36" diameter culvert. The culvert is adequately sized for 100-year storm flows per the Manning equation accounting for a slope of 10% and an n-value of 0.022. The crossing's estimated 100-year storm flow is 78-cfs and the culvert's hydraulic capacity is 98-cfs. The crossing has the potential for diversion out of the watercourse and down the road's gradient.

8.0 Graded Flats

All cultivation related activities reside within a permitted Less Than 3 Acre Conversion. A copy of the conversion permit and additional information is included in the Other Permits, Licenses and Documents section of this application.

9.0 Existing and Proposed Buildings

Cultivation Related Buildings

Processing Building

The Processing Building is a 20'sx24' structure that was constructed in 2010. It is used when collective members dry and process harvested cannabis.

Nutrients Shed

The Nutrients Shed is a 8'x12' structure that was constructed in 2017. It is used for fertilizer and tool storage.

Domestic Buildings

Yurt #1 & #2

Yurt's #1 & #2 are temporary, seasonal structures that are 20' and 16' in diameter that were constructed in 2009. These temporary buildings are not used for any cultivation related activities.

Cabin/Shop

The Cabin/Shop has a small living place as well as a large storage area. It is a 24'x40' structure that was constructed in 1995. It is not used for any cultivation related activities.

10.0 Water Source, Storage, Irrigation Plan and Projected Water Use

10.1 Water Source

There are two (2) permitted, confined aquifer wells on the parcel the applicant sources his cultivation water from. The Applicant also has access to a natural spring on a neighboring parcel that he has filed domestic rights for. The spring is not used for cultivation irrigation.

10.2 Water Storage

The Applicant has thirteen (13) HDPE water tanks on site totaling 28,500 gallons of storage. The quantity and size of the tanks is outlined below.

- One (1) 5,000-gallon HDPE tank;
- Two (2) 3,500-gallon HDPE tanks;
- Six (6) 2,500-gallon HDPE tanks;
- Two (2) 500-gallon HDPE tanks; and
- Two (2) 250-gallon HDPE tanks.

10.3 Irrigation Plan

The Applicant will be irrigating with a timed, drip irrigation system.

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 approximately 56,200-gallons.

11.0 Site Drainage, Run Off, Erosion Control Measures and Watershed Protection

Site Drainage, Run Off, Erosion Control Measures

Roads are in good condition with no surface ruts, gullies or surface erosion resulting in sediment delivery to surface waters. Inside ditches on the property are filled with debris and vegetation, reducing their capacity and ability to adequately drain the road and hillslope runoff.

Roads on the property have adequate ditch relief or rolling dips to minimize surface flow erosions. One (1) ditch relief culvert does not have rock armoring at the outlet. One (1) ditch relief culvert needs to be unplugged or replaced.

Physical reconnaissance of the property revealed no active unstable areas. There are no available Geomorphic Features Map's for the USGS Willow Creek 705' quadrangle map.

Roads, clearings, fill prisms, and terraced areas are not hydrologically connected to wetlands, ephemeral, intermittent or perennial streams.

Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces have no apparent erosion or evidence of soil transport to receiving waters.

There are no signs of irrigation runoff within the cultivation sites.

Watershed Protection

The cultivation is located at natural slop with native vegetation. No cultivation encroaches within the minimum buffer widths.

12.0 Distances from Significant Landmarks

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

II. Cultivation and Operations Plan

1.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. Items that were accepted under Legal Pest Management Practices for Marijuana Growers in California will be used exclusively.

All fertilizers and amendments will be located in the Nutrients Shed on the Parcel. Fertilizers and amendments will be placed on the shelves and floor where any spill will be contained. 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 holds a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

There is a 7kw generator on site. The generator is stored under a shelter, and all fuel associated to the generator is kept in tightly sealed 5 gallon cans which are double contained and located under a shelter away from any cultivation related activities.

The Applicant keeps a compost pile that is under 100 cubic yards. There are no soils piles on site, if soil needs to be replaced, it is taken to Wes Green in Arcata. Trash and Recycling is stored indoors in water tight trash cans.

2.0 Cultivation Activities

Cultivation Activities will vary based on climate, strain and the Applicant's personal schedule.

The Applicant begins cracking seeds for their cultivation sites in the Shop. Plants then stay in their vegetative state under solar powered lighting until they are ready to be transplanted to their permanent homes.

By mid-May, the Applicant's outdoor plants are placed into their permanent homes to begin their flowering process.

The Applicant is anticipating two (2) harvests of the greenhouses used for mixed light cultivation. The first harvest is anticipated to happen in August and the second harvest is anticipated to occur in October along with the full term outdoor plants.

The Applicant will be using LED string lights in the mixed light greenhouses shown on the Site Plan Map. The lighting in the greenhouses will be powered by an onsite solar system that is attached to rooftop of the Residence. There is also a 7,000 Watt Kubota GL generator that is for standby power, and is used to charge batteries when needed. A copy of the Applicant's lighting schedule is included at the end of this Cultivation and Operations Plan as Attachment "C."

3.0 Processing Practices

Plants are harvested in October and hung to dry and cure in the Shop. The plants are then machine trimmed outdoors.

The Applicant and collective members are processing the harvested cannabis.

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 tightly sealed containers in a secure location in the Shop.

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 entrance road has three (3) locked gates. There is also a Dakota Alert system installed that alerts the Applicant to any road activity. A closed loop security camera system is currently installed and the Applicant will be installing a SIM Security System.



Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

RE: Moon and Stars Farm, Inc. – Humboldt County APPS 11252 – APN: 316-065-008

May 2nd, 2018

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for Moon and Stars Farm Inc, APPS #11252, APN: 316-065-008.

Cultivation Area

The Applicant has an existing cultivation area of 6,700 square feet of outdoor cultivation and 1,700 square feet of mixed light cultivation.

The Cultivation Area is located within the permitted less than 3-acre conversion.

Mixed Light

GH#1

Greenhouse #1 is to the left of GH#6. It consists of approximately 640 square feet.

GH#5

Greenhouse #5 is located just north of GH#1 and GH#6. It consists of approximately 576 square feet.

GH#6

GH#6 is located directly above the parking area. It consists of approximately 504 square feet of mixed light cultivation.

Outdoor

GH#2

GH#2 is located directly above CA#2. It consists of approximately 740 square feet of outdoor cultivation.

GH#3

GH#3 is located to the left of GH#5. It consists of approximately 640 square feet of outdoor cultivation.

GH#7

GH#7 is located to the left of GH#8. It consists of approximately 640 square feet of outdoor cultivation.

GH#8

GH#8 is located in between GH#7 and CA#4. It consists of approximately 704 square feet of outdoor cultivation.

CA#1

CA#1 is located on the northside of GH#1. It consists of approximately 656 square feet of outdoor cultivation.

CA#2

CA#2 is located just west of CA# 6. It consists of approximately 450 square feet of outdoor cultivation.

CA#3

CA#3 is located next to the propane tank. It consists of approximately 350 square feet of outdoor cultivation.

CA#4

CA#4 is located south of the parking area. It consists of approximately 1,210 square feet of outdoor cultivation.

CA#5

CA#5 is located to the right of GH#3. It consists of approximately 400 square feet of outdoor cultivation.

CA#6

CA#5 is located just west of the parking area. It consists of approximately 500 square feet of outdoor cultivation.

Septic System

The Applicant has an unpermitted septic onsite. The Applicant has Septic design plans drafted and is waiting the approval of their zoning clearance certificate before moving forward with permitting the septic. The Applicant plans to put in portable toilets by August 2018.

Processing Plan

The Applicant will be processing cannabis outdoors with machine trimmers. No employees will be utilized for processing, all processing will be completed by the owners and the Applicant.

International Dark Sky Standards

The Applicant will have blackout tarps over the greenhouses during sunset hours in order to abide by the International Dark Sky Associations Standards. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis.

Greenhouse Flooring

The floors and foot paths in the Greenhouse are made up of natural soil and in compliance with Humboldt County Code section 314-43.1.3.2.

Soils Management

The Applicant re-amends their soil after every season for reuse. If necessary, the Applicant will be taking their soil to Wes Green in Arcata for disposal.

Employees

The Applicant does not currently use employees. All those who work on the property are owners or members of the board.

Water Source

The Applicant uses approximately 56,600 gallons of water annually which is pulled from the applicants two (2) permitted wells.

Water Resource Protection Plan

APN 316-065-008

WDID# 1B16077CHUM

TRC# 180102111201TRC260

Submitted to:

Tom O'Conner

Prepared by:

Timberland Resource Consultants

165 South Fortuna Blvd

Fortuna, CA 95540

3/15/2017

Purpose

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the property owner, Tom O'Conner, for Assessor's Parcel Number 316-065-008, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

Scope of Report

Order No. R1-2015-0023 states that "Tier 2 Discharger's and Tier 3 Discharger's who intend to cultivate cannabis before, during, or following site cleanup activities shall develop and implement a water resource protection plan that contains the elements listed and addressed below. Discharger's must keep this plan on site, and produce it upon request by Regional Water Board staff. Management practices shall be properly designed and installed, and assessed periodically for effectiveness. If a management measure is found to be ineffective, the plan must be adapted and implemented to incorporate new or additional management practices to meet standard conditions. Discharger's shall certify annually to the Regional Water Board individually or through an approved third party program that the plan is being implemented and is effectively protecting water quality, and report on progress in implementing site improvements intended to bring the site into compliance with all conditions of this Order."

Methods

The methods used to develop this WRPP include both field and office components. The office component consisted of aerial photography review and interpretation, existing USGS quad map review, GIS mapping of field data, review of on-site photography points, streamflow calculations, and general planning. The field component included identifying and accurately mapping all watercourses, wet areas, and wetlands located downstream of the cultivation areas, associated facilities, and all appurtenant roads accessing such areas. An accurate location of the Waters of the State is necessary to make an assessment of whether potential and existing erosion sites/pollution sites have the potential to discharge waste to an area that could affect waters of the State (including groundwater). Next, all cultivation areas, associated facilities, and all appurtenant roads accessing such areas were assessed for discharges and related controllable water quality factors from the activities listed in Order R1-2015-0023, Finding 4a-j. The field assessment also included an evaluation and determination of compliance with the Standard Conditions per Provision I.B of Order No. R1-2015-0023. The water resource protection plans required under Tier 2 are meant to describe the specific measures a Discharger implements to achieve compliance with standard conditions. Therefore, all required components of the water resource protection plan per Provision I.B of Order No. R1-2015-0023 were physically inspected and evaluated. A comprehensive summary of each Standard Condition as it relates to the subject property is appended.

Property Description

The property assessed is a 51-acre parcel located on Highway 299. The property is an established home site with a residence, storage sheds, yurts, and a shop. There are three Class III watercourses and one Class II watercourse on the property with Willow Creek running through the northern boundary of the property. The Class II watercourse is a tributary to Willow Creek. The property is located in the NW ¼ of Section 11, Township 6N, Range 4E, of the USGS Willow Creek 7.5' quadrangle map, Humboldt Base & Meridian.

Monitoring Plan

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

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

Monitoring Plan Reporting Requirements

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

Assessment of Standard Conditions

Assessment of Standard Conditions consisted of field examinations on 2/10/2017. The examination evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions including, but not limited to, existing and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

Summary of Standard Conditions Compliance

1. Site maintenance, erosion control, and drainage features Y☐/N☒
2. Stream crossing maintenance Y☐/N☒
3. Riparian and wetland protection and management Y☒/N☐
4. Spoils management Y☒/N☐
5. Water storage and use Y☐/N☒
6. Irrigation runoff Y☒/N☐
7. Fertilizers and soil amendments Y☒/N☐
8. Pesticides and herbicides Y☒/N☐
9. Petroleum products and other chemicals Y☒/N☐
10. Cultivation-related wastes Y☒/N☐
11. Refuse and human waste Y☒/N☐

A. Standard Conditions, Applicable to All Discharger's

1. Site maintenance, erosion control and drainage features (Compliance: Y☐/ N☒)

- a. Roads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.

Roads are in good condition with no surface ruts, gullies or surface erosion resulting in sediment delivery to surface waters. Inside ditches on the property are filled with debris and vegetation, reducing their capacity and ability to adequately drain the road and hillslope runoff. The Discharger shall clear and re-establish all inside ditches on the property.

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

Roads on the property have adequate ditch relief or rolling dips to minimize surface flow erosions. One ditch relief culvert does not have rock armoring at the outlet.

Ditch Relief Culvert 1 – 12" diameter inside ditch relief culvert that has a plugged inlet and no rock armoring of the outlet. The Discharger shall unplug the entire culvert or replace it with an 18" diameter culvert and rock armor the inlet and outlet per attached specifications.

- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable

feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

Physical reconnaissance of the property revealed no active unstable areas. There are no available Geomorphic Features Map's for the USGS Willow Creek 7.5' quadrangle map.

- d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are not hydrologically connected¹, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.

Roads, clearings, fill prisms, and terraced areas are not hydrologically connected to wetlands, ephemeral, intermittent or perennial streams.

- e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.

Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces have no apparent erosion or evidence of soil transport to receiving waters.

- f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

No stockpiled construction materials are on the property.

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

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.

¹ Connected roads are road segments that deliver road surface runoff, via the ditch or road surface, to a stream crossing or to a connected drain that occurs within the high delivery potential portion of the active road network. A connected drain is defined as any cross-drain culvert, water bar, rolling dip, or ditch-out that appears to deliver runoff to a defined channel. A drain is considered connected if there is evidence of surface flow connection from the road to a defined channel or if the outlet has eroded a channel that extends from the road to a defined channel. (http://www.forestsandfish.com/documents/Road_Mgmt_Survey.pdf)

- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.²
- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.³

Stream Crossing 1 – Class III watercourse with a 36" diameter culvert. The culvert is adequately sized for 100-year storm flows per the Manning equation accounting for a slope of 10% and an n-value of 0.022. The crossing's estimated 100-year storm flow is 78-cfs and the culvert's hydraulic capacity is 98-cfs. The crossing has the potential for diversion out of the watercourse and down the road's gradient. The Discharger shall install a critical dip on this crossing per attached specifications. The culvert is shot gunning slightly and fill is eroding under the outlet's outflow due to no energy dissipater. The inlet is also lacking adequate rock armoring. The Discharger shall install an energy dissipater and rock armor the inlet and outlet per attached specifications.

Rational Method for 100-year flood flow (A < 200 acres)

$T_c = 60((11.9 \times L^3)/H)^{0.385}$				$Q_{100} = CIA$			
Stream Crossing (SC)	Channel length (to top of basin) (mi) L	Elevation difference (ft) H	Concentration time (min) T_c	Runoff coefficient C	100-year Return-Period Precipitation (in/hr) I*	Area (acres) A	100-yr flood flow (cfs) Q₁₀₀
1				0.35	3.978	56	78.0

The Rationale Method was used to determine for 100-year flood flow utilizing methods recommended in "Designing Watercourse Crossings for Passage of 100-year Flood Flows, Wood, and Sediment". 2004 Peter Cafferata, Thomas Spittler, Michael Wopat, Greg Bundros, and Sam Flanagan. This report recommends that the rational method be limited to watersheds less than 100 acres. The 100-year Return-Period precipitation data is from: http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca

For determining culvert size, the Manning equation spreadsheet was used with a Hydraulic Radius = More than Half Full Flow. To account for a 0.67 HW/D ratio (ensure the culvert will accommodate the 100-year flow and debris load), the equation used 67% of pipe diameter as "depth of flow". Slope variable was estimated in the field (conservatively) and the n-value was either 0.012 for smooth-walled pipes or 0.022 for corrugated pipes. The assumption for new pipe installations are smooth-walled pipes and culverts set to grade.

² At a minimum, the culvert shall be aligned at the inlet. If infeasible to align the culvert outlet with the stream grade or channel, outlet armoring or equivalently effective means may be applied.

³ If infeasible to install a critical dip, an alternative solution may be chosen.

3. **Riparian and Wetland Protection and Management** (Compliance: Y☒/ N☐)

- a. For Tier 1 Discharger's, cultivation areas or associated facilities shall not be located within 200 feet of surface waters. While 200 foot buffers are preferred for Tier 2 sites, at a minimum, cultivation areas and associated facilities shall not be located or occur within 100 feet of any Class I or II watercourse or within 50 feet of any Class III watercourse or wetlands. The Regional Water Board or its or its Executive Officer may apply additional or alternative⁴ conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection.

The cultivation site is located approximately 410' away from the nearest watercourse.

- b. Buffers shall be maintained at natural slope with native vegetation.

Riparian buffers remain undisturbed throughout the property.

- c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.

No cultivation encroaches within the minimum buffer widths.

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

- a. Spoils⁵ shall not be stored or placed in or where they can enter any surface water.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.

Cultivation related soil spoils are kept in their beds and containers over winter. There are no spoil piles generated from development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas where they can enter or be transported to surface waters.

⁴ Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated.

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

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

- a. Size and scope of an operation shall be such that the amount of water used shall not adversely impact water quality and/or beneficial uses, including and in consideration with other water use by operations, instream flow requirements and/or needs in the watershed, defined at the scale of a HUC-12⁶ watershed or at a smaller hydrologic watershed as determined necessary by the Regional Water Board Executive Officer.

This project consists of one terraced cultivation site totaling 9,000-square feet of cultivation area.

- **Outdoor cultivation is on a developed landing on a ridge line with an approximate slope of 32%. The site consists of 6,600-square feet of outdoor cultivation area.**
- **Greenhouse cultivation is intermixed with the outdoor cultivation totaling 2,400-square feet.**

The Discharger stated that he used approximately 56,200-gallons of water during the 2016 cultivation season.

- b. Water conservation measures shall be implemented. Examples include use of rainwater catchment systems or watering plants with a drip irrigation system rather than with a hose or sprinkler system.

There are signs that water conservation measures are used during the cultivation season. The Discharger uses drip line irrigation and topsoil mulching. The Discharger shall install water meters to better document usage.

- c. For Tier 2 Discharger's, if possible, develop off-stream storage facilities to minimize surface water diversion during low flow periods.

The Discharger plans on using only the well as a source of water for cultivation purposes and permanently forbearing from surface diversion for cultivation purposes. However, if the Discharger continues to use the surface water diversion for cultivation purposes, the Discharger must develop off-stream storage facilities that provide adequate water resources, or a functioning well, for the 150-day forbearance period from surface water diversions from May 15th to October 15th. The Discharger currently has approximately 30,500-gallons of dedicated water storage for cultivation (6 x 2,500-gallon tanks, 2 x 3,500-gallon tanks, 1 x 5,000-gallon tank). To meet forbearance requirements from surface water diversions the Discharger shall acquire 25,700-gallons, more, of water storage.

- d. Water is applied using no more than agronomic rates.⁷

⁶ See definition and link to maps at: <http://water.usgs.gov/GIS/huc.html>

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

There is no evidence to conclude that the Discharger irrigates at a greater rate than the growth medium can facilitate. No signs of over watering are present on-site.

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

The Discharger has an approved Lake and Stream Bed Alteration agreement with California Department of Fish and Wildlife for two diversion structures and jurisdictional activities in watercourses (1600-2015-0394-R1). The Discharger must follow the requirements of the approved Lake and Stream Bed Alteration agreement with California Department of Fish and Wildlife.

The Discharger is currently diverting and storing surface water without an appropriate water right. If the Discharger continues to divert surface water for cultivation purposes, the Discharger will then need to apply for a Small Irrigation Use Registration once available. The Discharger cannot comply with Standard Condition A.5.e. until the Small Irrigation Use program is completed and made available by the State Water Control Board or the Discharger discontinues use of surface water diversions for cultivation purposes and uses a well or rain catchment as the only source of water.

POD #1 is a Class II Spring. The areas located down slope of the spring were closely inspected to determine whether there was any hydrologic connectivity with downstream watercourses with none observed. The diversion rate from this spring is approximately ½ to ¾ gallons per minute.

POD #2 is a Class II Spring. The areas located down slope of the spring were closely inspected to determine whether there was any hydrologic connectivity with downstream watercourses with none observed. The diversion rate from this spring is approximately ¼ to ½ gallons per minute.

Both diversions consist of wooden spring boxes, which were present when the current landowner purchased the property approximately 10 years ago. The previous owners apparently installed the diversions in 1996. Both diversions are located on SPI Timberlands and they are aware of the diversions. The landowner and Tom Walz of SPI have visited the sites together.

The landowner understands that diversion of surface water for agricultural use will require forbearance. Water may be pumped up to May 15th or after October 15th to fill storage. Also, water can only be diverted according the requirements and limitations in the approved Lake and Stream Bed Alteration agreement with California Department of Fish and Wildlife.

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

The water storage tanks have been sited in secure locations to prevent release into waters of the state.

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

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

There are no signs of irrigation runoff within the cultivation sites.

7. Fertilizers and Soil Amendments (Compliance: Y☒/ N☐)

- a. Fertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

Fertilizers and soil amendments are stored under an awning attached to the shop in buckets or in bags on pallets. The Discharger plans to build a small storage shed for permanent fertilizer storage. There were no potting soils or compost stored in locations in which they can enter or be transported into surface waters.

In order to remain in compliance with Standard Condition 7, the Discharger shall store all fertilizers, potting soils, composts, and soil amendments in sheds, covered areas, or tarped in a manner in which they cannot be transported to surface waters or such that nutrients or other pollutants cannot be leached into groundwater.

- b. Fertilizers and soil amendments shall be applied and used per packaging instructions and/or at proper agronomic rates.

The Discharger shall ensure that fertilizers and soil amendments are applied and used per packaging instructions and/or at proper agronomic rates.

- c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

Cultivation areas are maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

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

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

Pesticides shall be applied per specifications included in the packaging. The Discharger shall ensure any pesticides or herbicides used are placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters. We recommend the Discharger only use pesticides and/or herbicides that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147.

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

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.
- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
- c. Discharger's shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.

- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

There is no bulk fuel storage in use on the property at this time. Fuel canisters are being stored under an awning attached to residence.

In order to be in compliance, any portable fuel cans and drums that contain fuel shall be stored indoors within garages or storage sheds, or if stored outdoors be contained within a secondary containment vessels large enough for the entire capacity and be covered from precipitation. Fuel storage tanks shall also have secondary containment vessels large enough for the entire capacity and be covered from precipitation.

10. Cultivation-related wastes (Compliance: Y☒/ N☐)

Cultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored⁸ at locations where they will not enter or be blown into surface waters, and in a manner, that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwater's.

Cultivation related wastes are being stored in lidded trashcans underneath an awning attached to the shop, in the shop, or in the residence where their contents cannot enter drainages that reach watercourses. The Discharger disposes organic plant waste material by burning it nearby the cultivation sites.

In order to remain in compliance with Standard Condition 10 above, all cultivation-related waste in the form of empty bags, containers, pots, and dead or harvested plant waste and spent growth medium shall be stored where they will not enter or be blown into surface waters, or removed from the site and disposed of properly. Cultivation-related wastes that contain residues or pollutants shall be stored in a manner that ensures that those materials do not leach into surface water or groundwaters. This can be achieved by following Items 137 and 139 in Appendix B of the Order.

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

11. Refuse and human waste (Compliance: Y☒/ N☐)

- a. Disposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

There is an unpermitted septic system attached to the residence located on the property. The Discharger is having an engineered and permitted septic system installed. There is an outhouse that the Discharger stated is being removed. The Onsite Wastewater Treatment System (OWTS) serving the residence appears to be functioning properly. No evidence of dispersal field failure was detected when inspected. Although the system is not a permitted one, it is likely that this system will fall under Tier O (existing systems that are properly functioning and do not meet the conditions of failing systems or otherwise require corrective action – as defined in the RWQCB OWTS Policy and Humboldt County Local Agency Management Plan).

- b. Refuse and garbage shall be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.

The Discharger is storing refuse and garbage in lidded trashcans underneath an awning attached to the shop, in the shop, or in the residence where their contents cannot enter drainages that reach watercourses.

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

Garbage and refuse is regularly disposed of at the Humboldt Bay Waste Management District in Eureka, CA

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

Mitigation measures are listed below in the Mitigation Report and also noted above in the document.

Mitigation Report (Identified Sites Requiring Remediation)

Unique Point(s)	Map Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
DRC 1	12" diameter inside ditch relief culvert that has a plugged inlet and no rock armoring of the outlet.	A.1. b.	N/A	Unplug the entire culvert, or replace it with an 18" diameter culvert, and rock armor the outlet per attached specifications.	2	2017	
SC 1	Class III watercourse with a 36" diameter culvert. Inadequate rock armoring of the inlet and outlet and the crossing is lacking an adequate critical dip.	A. 2.	N/A	Rock armor the inlet and outlet of the culvert and install a critical dip per attached specifications.	3	10/15/2018	
Point of Diversion, Water Storage	Water Storage and Use	A.5	N/A	<p>--Develop off-stream storage facilities that provide adequate water resources for the 150-day forbearance period from surface water diversions or rely only on well water from May 15th to October 15th.</p> <p>--If the Discharger continues to divert and store surface waters for longer than 30 days, an Initial Statement of Water Diversion and Use shall be filed with the California State Water Resources Control Board while Discharger waits to apply for a Small Irrigation Use Registration, once available.</p> <p>--Install water meters to better document water usage.</p>	3	2018	

Treat Priority: Treatment Priority (1) indicates a very high priority with treatment being planned to occur immediately, (2) indicates a high priority site with treatment to occur prior to the start of the winter period (Oct. 15), (3) indicates a moderate priority with treatment being planned to occur within one year, or prior to the winter period (Oct. 15) of the 2nd season of operations, and (4) indicates a low priority with treatment being planned to occur in the shortest time possible, but no later than the expiration of this Order (five years).

Attached Photo's



Stream Crossing 1: Class III watercourse with a 36" diameter culvert. Inadequate rock armoring of the inlet and outlet and the crossing is lacking a critical dip. Rock armor the inlet and outlet of the culvert and install a critical dip per attached specifications.



Ditch Relief Culvert 1: Plugged 12" diameter inside ditch relief culvert that has a plugged inlet and no rock armoring of the outlet. The Discharger shall unplug the entire culvert or replace it with an 18" diameter culvert and rock armor the outlet per attached specifications.

Attachments

BMP: Inlet and Outlet Armoring

- Inlets of culverts and associate fills shall be protected with rock armoring that extends at least as high as the top of the culvert.
- Outlets of culverts shall be provided a rock energy dissipater at the outfall of the culvert.
- Outlets of culverts and associate fills shall be protected with rock armoring that extends at least as high as the top of the culvert if road fill sloughing into channel can occur.
- Prior to inlet and outlet rocking, the inlet and outlets shall be prepared. Preparation will include removal of vegetation and stored materials from the inlet and outlet.
- Inlets may require construction of an inlet basin.
- Slopes at the outlet should be shaped to a 2:1 or natural slope prior to placing rock armor.
- Rock used at culvert inlets and outlets should be a matrix of various sized rocks and rip-rap that range from a 3" dia. to a 2' dia.
- The largest rocks should be places at the base of the culvert or fill. Incrementally smaller rocks shall be placed over the larger rocks at the armoring extend up the slope. Voids and spaces shall be back filled with smaller gravels and rocks.

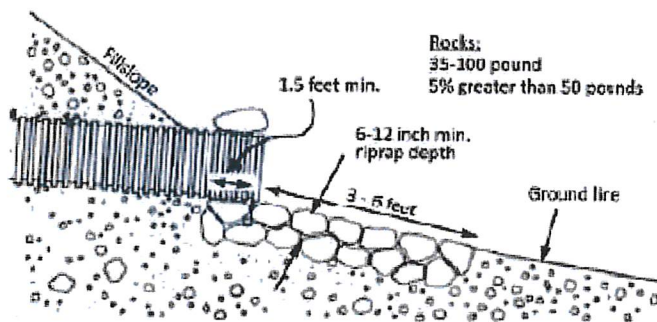


FIGURE 107A. Riprap armor at culvert outlet (Modified from: Keller et al., 2011).

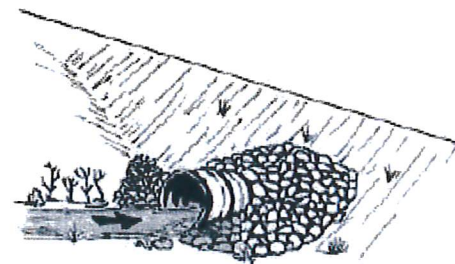
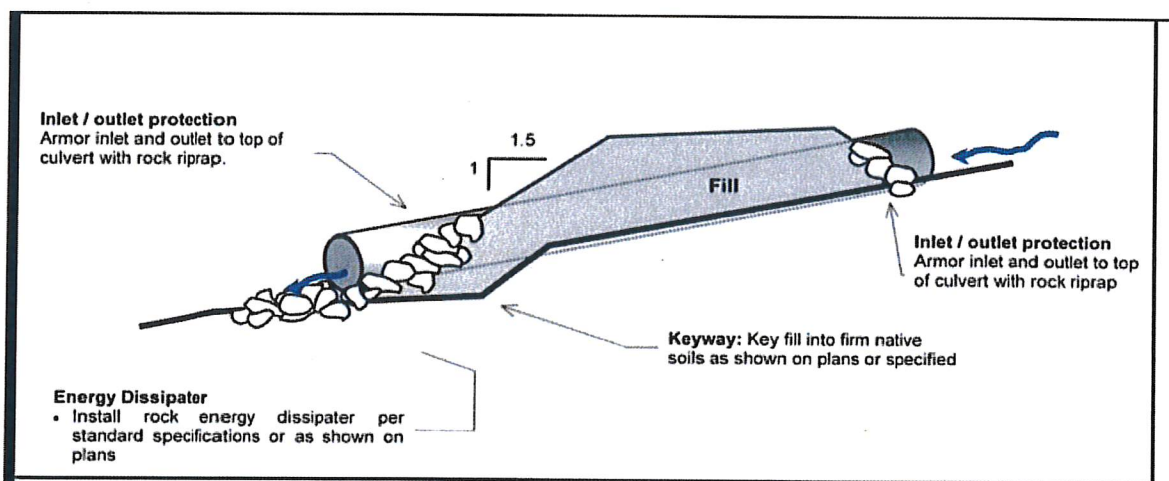
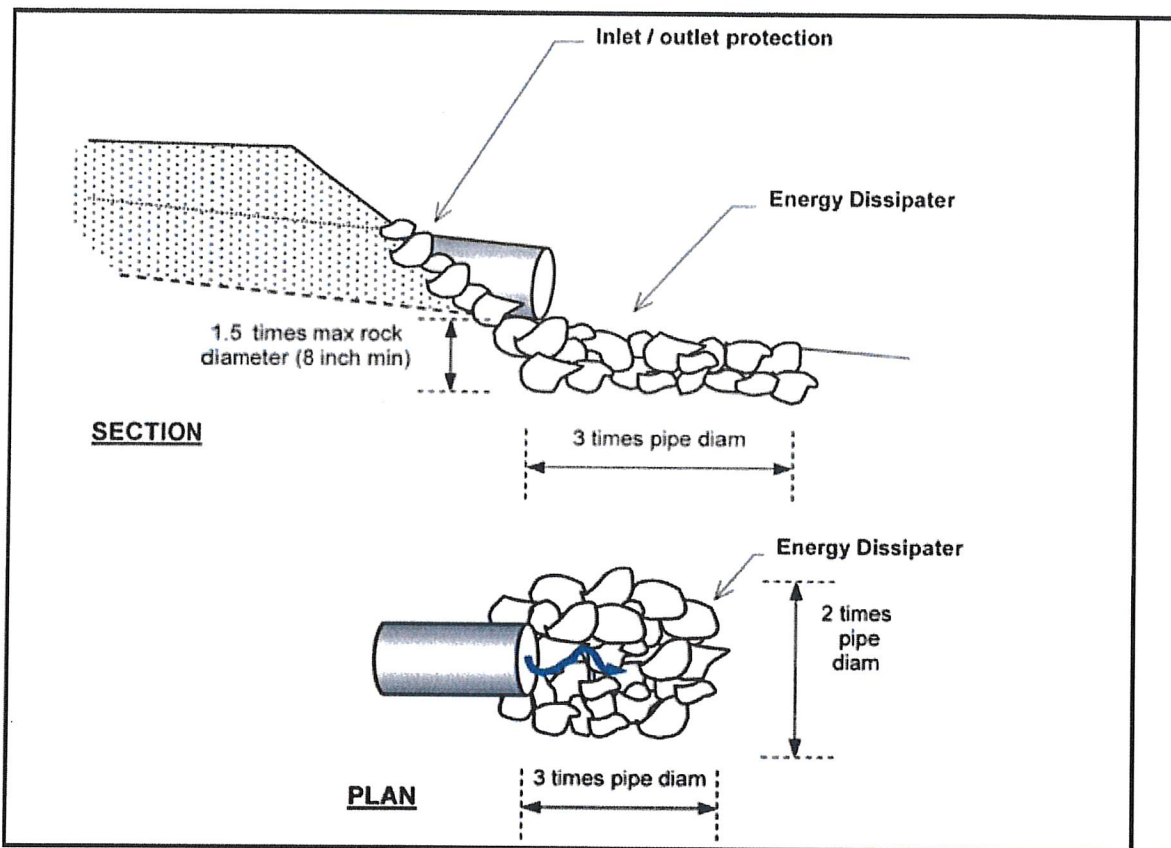


FIGURE 107B. Riprap armor at culvert inlet (Keller and Sherar, 2003).

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

BMP: Culvert Rock Armoring Specifications



Riprap installed to protect the inlet and outlet of a stream crossing culvert from erosion or for energy dissipation should be keyed into the natural channel bed and banks to an approximate depth of about 1.5x the maximum rock thickness. Riprap should be placed at least up to the top of the culvert at both the inlet and outlet to protect them from splash erosion and to trap any sediment eroded from the newly constructed fill slope above.

BMP: Critical Dip (aka Armored Dip)

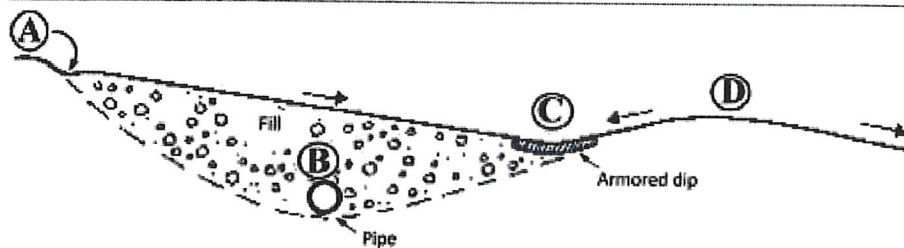
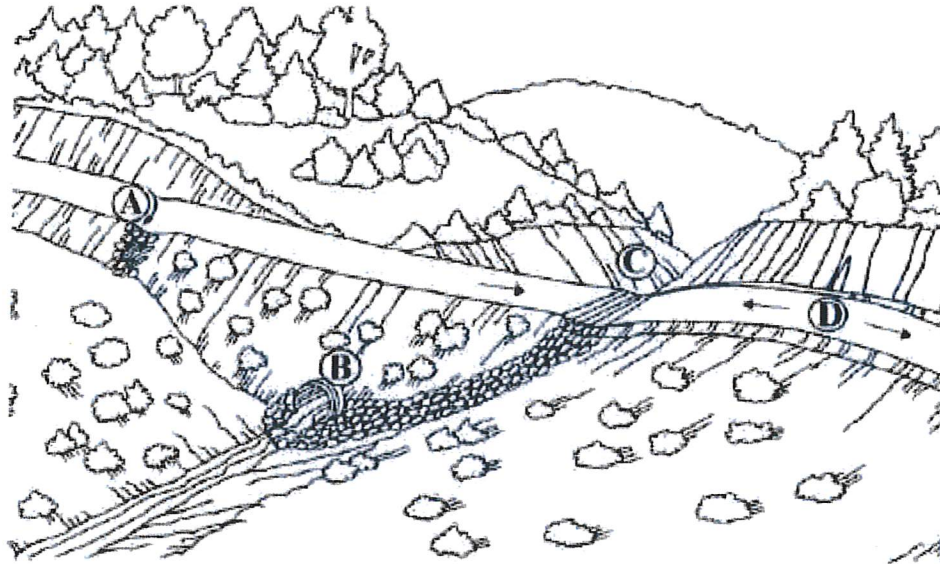


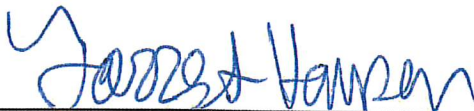
FIGURE 84. Critical dips or dipped crossing fills should be centered near a stream crossing's down-road hingeline, not over the centerline of the crossing where overtopping could cause washout or severe erosion of the fill. If the stream crossing culvert (B) plugs, water will pond behind the fill until reaching the critical dip or low point in the crossing (C) and flowing back down into the natural stream channel. The down-road ditch must be plugged to prevent streamflow from diverting down the ditch line. For extra protection in this sketch, riprap armor has been placed at the critical dip outfall and extending downslope to the stream channel. This is only required or suggested on stream crossings where the culvert is highly likely to plug and the crossing fill overtopped. The dip at the hinge line is usually sufficient to limit erosional damage during an overtopping event. Road surface and ditch runoff is disconnected from the stream crossing by installing a rolling dip and ditch relief culvert just up-road from the crossing (A) (Keller and Sherar, 2003).

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

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

Prepared by Timberland Resource Consultants

1. This Water Resource Protection Plan has been prepared for the property within APN 316-065-008 in Humboldt County, at the request of the Client.
2. Timberland Resource Consultants does not assume any liability for the use or misuse of the information in this Water Resource Protection Plan.
3. The information is based upon conditions apparent to Timberland Resource Consultants at the time the inspection was conducted, and as disclosed to Timberland Resource Consultants by the landowner and/or Discharger. Changes due to land use activities or environmental factors occurring after this inspection, have not been considered in this Water Resource Protection Plan.
4. Maps, photos, and any other graphical information presented in this report are for illustrative purposes. Their scales are approximate, and they are not to be used for locating and establishing boundary lines.
5. The conditions presented in this Water Resource Protection Plan may differ from those made by others or from changes on the property occurring after the inspection was conducted. Timberland Resource Consultants does not guarantee this work against such differences.
6. Timberland Resource Consultants did not conduct an investigation on a legal survey of the property.
7. Persons using this Water Resource Protection Plan are advised to contact Timberland Resource Consultants prior to such use.
8. Timberland Resource Consultants will not discuss this report or reproduce it for anyone other than the Client named in this report without authorization from the Client.



Forrest Hansen
Timberland Resource Consultants

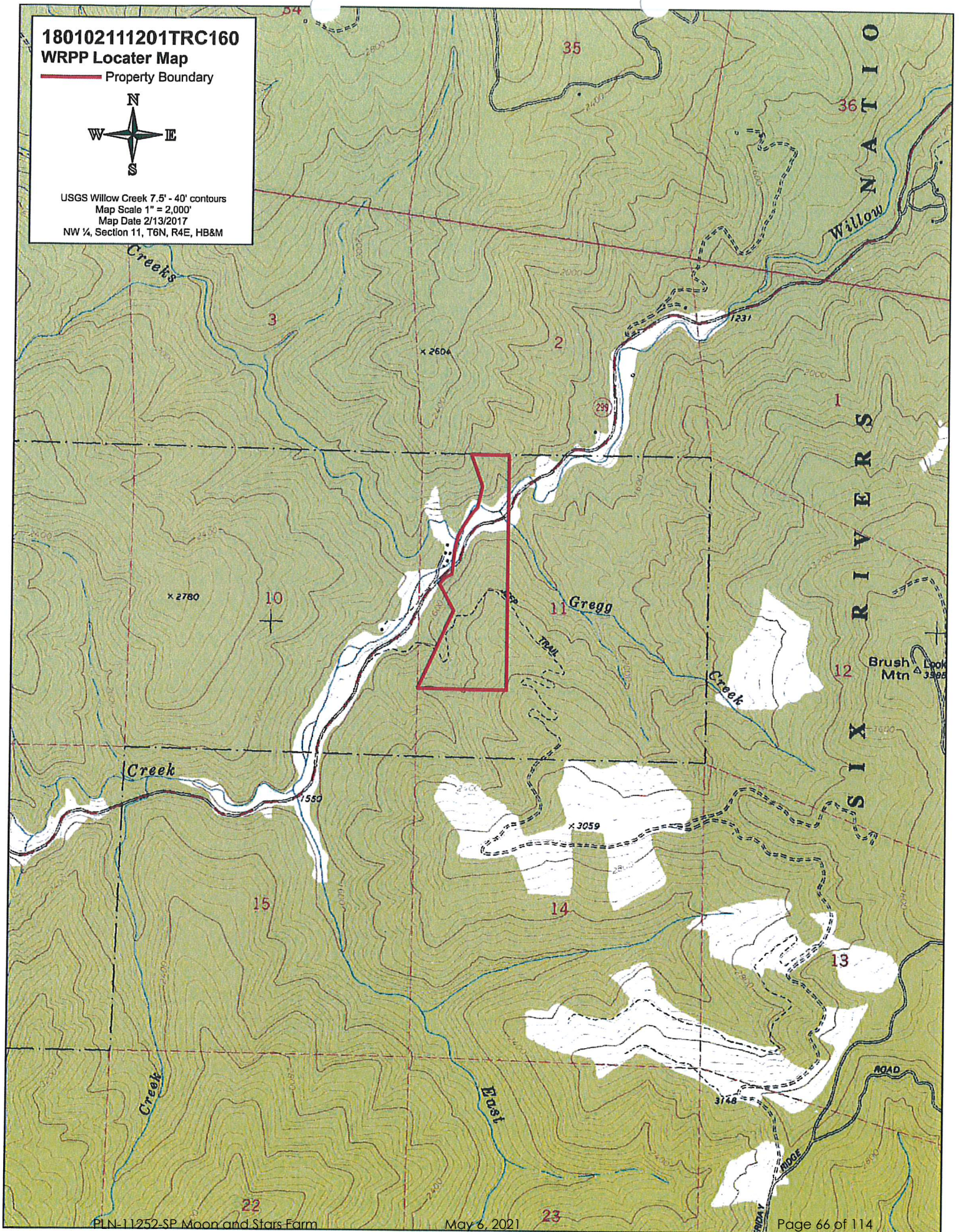
180102111201TRC160

WRPP Locater Map

Property Boundary



USGS Willow Creek 7.5' - 40' contours
Map Scale 1" = 2,000'
Map Date 2/13/2017
NW ¼, Section 11, T6N, R4E, HB&M



180102111201TRC160 WRPP Site Map

- Property Boundary
- Highway 299
- Permanent Rocked Road
- Rocked Access Road
- Ditch Relief Culvert (DRC)
- Stream Crossing (SC)

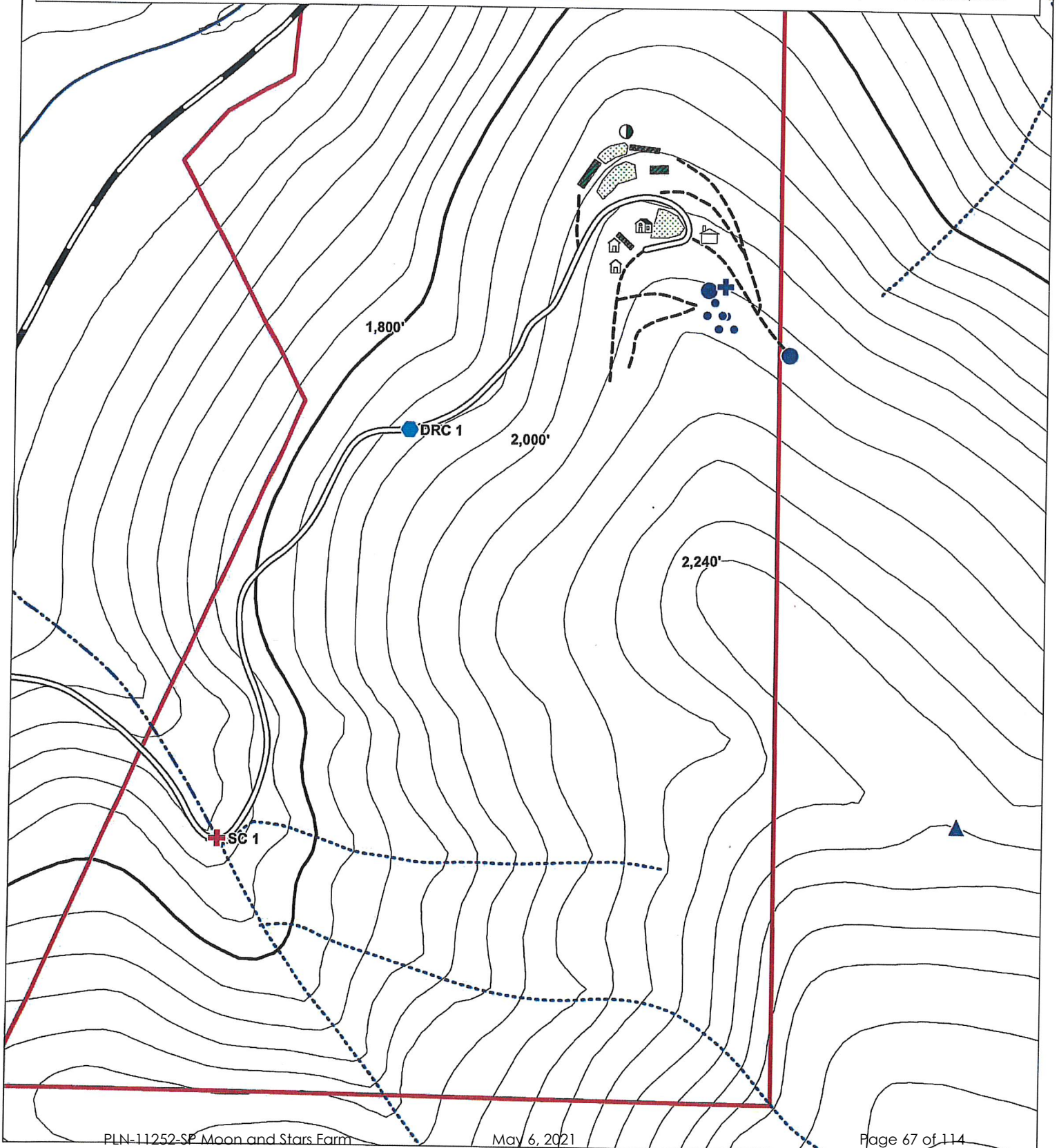
- Class III watercourse
- Class II watercourse
- Willow Creek
- Point of Diversion (POD)
- Well
- Water Tank
- Water Tanks

- Residence
- Yurt
- Shop
- Outhouse

- Outdoor Cultivation
- Greenhouse Cultivation



40' contours
Map Scale 1" = 250'
Map Date 2/13/2017
NW ¼, Section 11, T6N, R4E, HB&M



180102111201TRC260

WRPP Site Map

Property Boundary
Permanent Rocked Road



Outdoor Cultivation

Greenhouse Cultivation



Point of Diversion



Well



Storage Tank/s



Residence



Shed



Shop

Class I watercourse
Class II watercourse
Class III watercourse



2916 NAIP DOQ - 40' contours
Map Scale 1" = 200'
Map Date 2/1/2017
NW ¼, Section 11, T6N, R4E, HB&M



180102111201TRC260

WRPP Site Map

Property Boundary
Permanent Rocked Road



Outdoor Cultivation

Greenhouse Cultivation



Point of Diversion



Well



Storage Tank/s



Residence



Shed

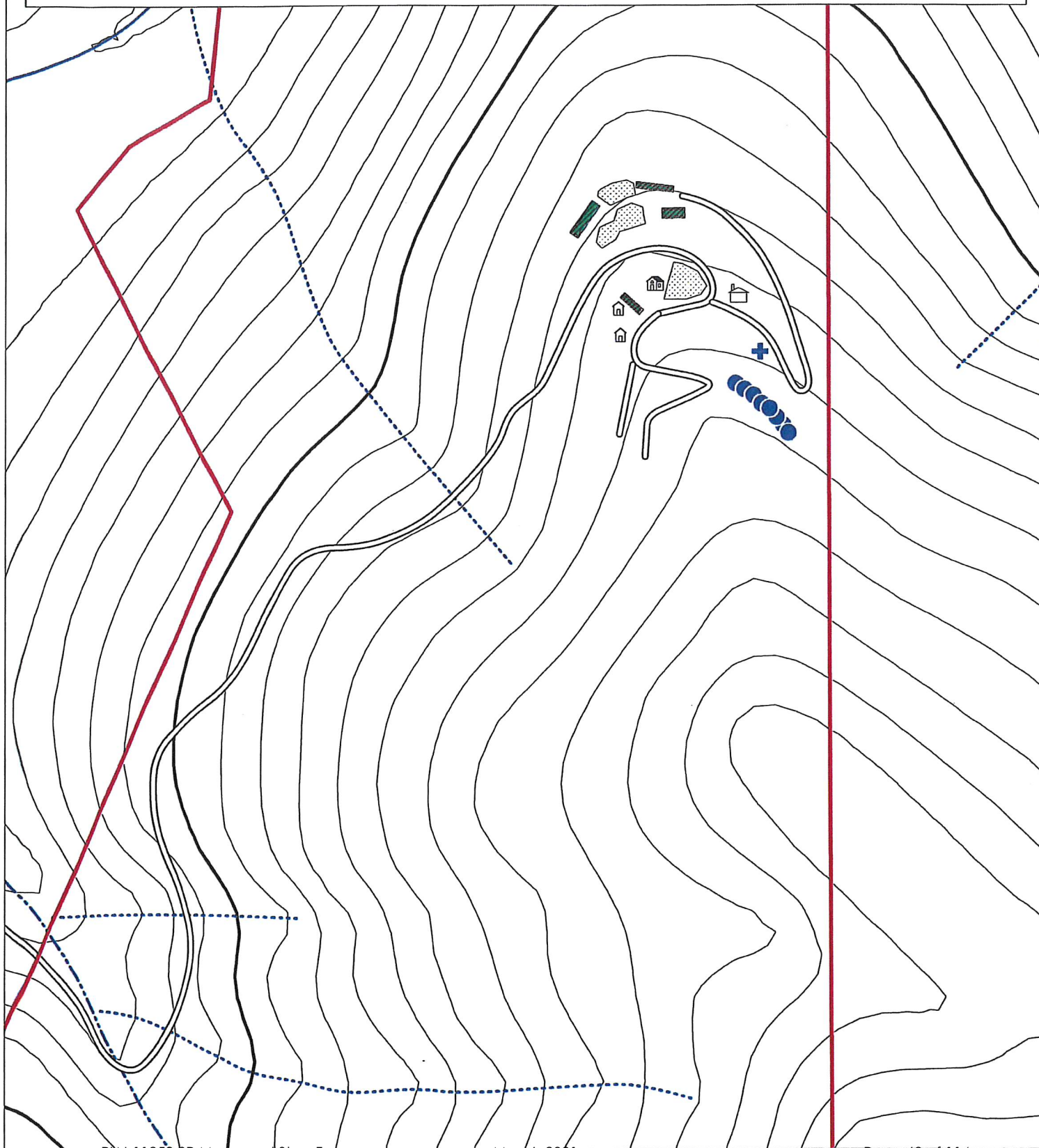


Shop

Class I watercourse
Class II watercourse
Class III watercourse



40' contours
Map Scale 1" = 200'
Map Date 2/1/2017
NW ¼, Section 11, T6N, R4E, HB&M





Water Resource Protection Plan Status Update

APN:316-065-008

WDID#:1BN116077CHUM

TRC#:18101021112011TRC260

The Water Resource Protection Plan completed by Timberland Resource Consultants gives specific dates indicating when the mitigation measures will be completed. The Applicant is on track to complete all mitigation measures by their projected dates. One such date in the mitigation report has already passed. The Applicant has since completed said mitigation. See the Mitigation Report for further detail.

Mitigation Report (Identified Sites Requiring Remediation)

Unique Point(s)	Map Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
DRC 1	12" diameter inside ditch relief culvert that has a plugged inlet and no rock armoring of the outlet.	A.1. b.	N/A	Unplug the entire culvert, or replace it with an 18" diameter culvert, and rock armor the outlet per attached specifications.	2	2017	
SC 1	Class III watercourse with a 36" diameter culvert. Inadequate rock armoring of the inlet and outlet and the crossing is lacking an adequate critical dip.	A. 2.	N/A	Rock armor the inlet and outlet of the culvert and install a critical dip per attached specifications.	3	10/15/2018	
Point of Diversion, Water Storage	Water Storage and Use	A.5	N/A	<p>--Develop off-stream storage facilities that provide adequate water resources for the 150-day forbearance period from surface water diversions or rely only on well water from May 15th to October 15th.</p> <p>--If the Discharger continues to divert and store surface waters for longer than 30 days, an Initial Statement of Water Diversion and Use shall be filed with the California State Water Resources Control Board while Discharger waits to apply for a Small Irrigation Use Registration, once available.</p> <p>--Install water meters to better document water usage.</p>	3	2018	

Treat Priority: Treatment Priority (1) indicates a very high priority with treatment being planned to occur immediately, (2) indicates a high priority site with treatment to occur prior to the start of the winter period (Oct. 15), (3) indicates a moderate priority with treatment being planned to occur within one year, or prior to the winter period (Oct. 15) of the 2nd season of operations, and (4) indicates a low priority with treatment being planned to occur in the shortest time possible, but no later than the expiration of this Order (five years).

State of California
Well Completion Report
WCR Form Submitted 04/27/2017
WCR2017-001215

Owner's Well Number Well #1 Date Work Began 03/27/2017 Date Work Ended 03/27/2017
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
Secondary Permit Agency _____ Permit Number 16/17-0512 Permit Date 12/02/2016

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>Tom O'Conner</u>	Activity <u>New Well</u>
Mailing Address <u>PO Box 505</u>	Planned Use <u>Water Supply Domestic</u>
City <u>Willow Creek</u> State <u>CA</u> Zip <u>95573</u>	

Well Location	
Address <u>35220 Hwy 299</u>	APN <u>316-065-008</u>
City <u>Willow Creek</u> Zip <u>95573</u> County <u>Humboldt</u>	Township _____
Latitude _____ N Longitude _____ W	Range _____
_____ Deg. _____ Min. _____ Sec.	Section _____
Dec. Lat. _____ Dec. Long. _____	Baseline Meridian _____
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

Borehole Information	Water Level and Yield of Completed Well
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>90</u> (Feet below surface)
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	Depth to Static _____
	Water Level _____ (Feet) Date Measured _____
Total Depth of Boring <u>265</u> Feet	Estimated Yield* <u>10</u> Test Type _____
Total Depth of Completed Well <u>265</u> Feet	Test Length _____ Total Drawdown _____ (Feet)
	*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface Feet to Feet	Description	
0	30	Weathered Rock
30	265	Black 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	20	Blank	Stainless Steel	N/A	0.188	8			
2	0	165	Blank	PVC	N/A	0.291	4.95			
2	165	225	Screen	PVC	N/A	0.291	4.95	Milled Slots	0.035	
2	225	245	Blank	PVC	N/A	0.291	4.95			
2	245	265	Screen	Other	N/A	0.291	4.95	Milled Slots	0.035	

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite		3/8 Hole Plug
20	265	Other Fill	See description.		No Annular Fill

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (Inches)
0	20	12
20	265	7.875

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	WATSON WELL DRILLING		
	Person, Firm or Corporation		
	500 Summer Street	Eureka	CA 95501
	Address	City	State Zip
Signed	04/27/2017		1014048
	C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number

DWR Use Only

--	--

Site Number / State Well Number

					N
--	--	--	--	--	---

Latitude Deg/Min/Sec Longitude Deg/Min/Sec

TRS:

APN:

File Original with DWR

State of California

Well Completion Report

Refer to Instruction Pamphlet

No. **e0237403**

Page 1 of 2

Owner's Well Number 1

Date Work Began 10/16/2014 Date Work Ended 10/17/2014

Local Permit Agency Humboldt County E.H.D.

Permit Number 13/14-0252 Permit Date 4/10/14

DWR Use Only - Do Not Fill In	
State Well Number/Site Number	
N	W
Latitude	Longitude
APN/TRS/Other	

Geologic Log		
Orientation <input checked="" type="radio"/> Vertical <input type="radio"/> Horizontal <input type="radio"/> Angle Specify _____		
Drilling Method <u>Direct Rotary</u> Drilling Fluid _____		
Depth from Surface		Description
Feet to Feet		Describe material, grain size, color, etc
0	56	Weathered Tan Sandstone
56	74	Weathered Brown Sandstone
74	128	Grey Fractured Sandstone/Quartz
128	160	Drk Grey Sandstone
<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="font-size: 2em; margin: 0;">RECEIVED</p> <p style="margin: 0;">OCT 20 2014</p> <p style="margin: 0;">HUMBOLDT CO DIVISION OF ENVIRONMENTAL HEALTH</p> </div>		
Total Depth of Boring <u>160</u> Feet		
Total Depth of Completed Well <u>155</u> Feet		

Well Owner	
Name	_____
Mailing Address	_____
City	_____ State _____ Zip _____
Well Location	
Address _____	
City	<u>Willow Creek</u> County <u>Humboldt</u>
Latitude	_____ N Longitude _____ W
Datum	Dec- Lat. _____ Dec- Long. _____
APN Book	<u>316</u> Page <u>065</u> Parcel <u>008</u>
Township	_____ Range _____ Section _____
Location Sketch	
(Sketch must be drawn by hand after form is printed.)	
North	
<div style="display: flex; justify-content: space-between;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">West</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">East</div> </div>	
South	
<small>Illustrate or describe distance of well from roads, buildings, fences, rivers, etc. and attach a map. Use additional paper if necessary. Please be accurate and complete.</small>	
Activity	
<input checked="" type="radio"/> New Well <input type="radio"/> Modification/Repair <input type="radio"/> Deepen <input type="radio"/> Other _____ <input type="radio"/> Destroy <small>Describe procedures and materials under "GEOLOGIC LOG"</small>	
Planned Uses	
<input checked="" type="radio"/> Water Supply <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Public <input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="radio"/> Cathodic Protection <input type="radio"/> Dewatering <input type="radio"/> Heat Exchange <input type="radio"/> Injection <input type="radio"/> Monitoring <input type="radio"/> Remediation <input type="radio"/> Sparging <input type="radio"/> Test Well <input type="radio"/> Vapor Extraction <input type="radio"/> Other _____	

Water Level and Yield of Completed Well	
Depth to first water	<u>90</u> (Feet below surface)
Depth to Static	_____
Water Level	<u>90</u> (Feet) Date Measured <u>10/16/2014</u>
Estimated Yield *	<u>5</u> (GPM) Test Type <u>Air Lift</u>
Test Length	<u>4.0</u> (Hours) Total Drawdown <u>155</u> (Feet)
*May not be representative of a well's long term yield.	

Casings								Annular Material				
Depth from Surface	Borehole Diameter	Type	Material	Wall Thickness	Outside Diameter	Screen Type	Slot Size if Any	Depth from Surface	Fill	Description		
Feet to Feet	(Inches)			(Inches)	(Inches)		(Inches)	Feet to Feet				
0	55	10	Blank	PVC Sch. 80	CL200	5		0	20	Bentonite	Sanitary Seal	
55	155	10	Screen	PVC Sch. 80	CL200	5	Milled Slots	0.032	20	155	Filter Pack	3/8" Pea Gravel

Attachments	Certification Statement
<input type="checkbox"/> Geologic Log <input type="checkbox"/> Well Construction Diagram <input type="checkbox"/> Geophysical Log(s) <input type="checkbox"/> Soil/Water Chemical Analyses <input checked="" type="checkbox"/> Other <u>Location Map</u>	<p>I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief</p> <p>Name <u>FISCH DRILLING</u> <small>Person, Firm or Corporation</small></p> <p><u>3150 JOHNSON ROAD</u> <u>HYDESVILLE</u> <u>CA</u> <u>95547</u> <small>Address City State Zip</small></p> <p>Signed <u>[Signature]</u> Date Signed <u>10/17/2014</u> <small>C-57 Licensed Water Well Contractor C-57 License Number</small></p>

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	✓	Additional Review	Attached
Cal Fire	✓	Standard Comments	
California Department of Fish & Wildlife		No response	
Northwest Information Center	✓	Conduct Cultural Resource Survey	Confidential
Tsnungwe Council	✓	Approval	Confidential
Hoopla Valley Tribe	✓	Conduct Cultural Resource Survey	Confidential
County Counsel	✓	Recommend Approval	Confidential
California Transportation Department	✓	Conditional Approval	Attached
Humboldt County Sheriff Office		No Response	
Humboldt County Agricultural Zoning Administrator		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
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



8/21/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, HCSO, Klamath Trinity School District, SWRCB, Division of Water Right

Applicant Name Moon and Stars Farm, Inc. **Key Parcel Number** 316-065-008-000

Application (APPS#) 11252 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-183

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

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

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

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

Return Response No Later Than 9/5/2017

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

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

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: _____

DATE: 9-12-17

PRINT NAME: Gustin Durnler

316-065-008

W/0-000-000



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11252
Parcel No.: 316-065-008
Case No.: SP16-183

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

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____
- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☒ Other Comments: Grading has been done

Name: Gustin Dummer

Date: 9-12-17

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

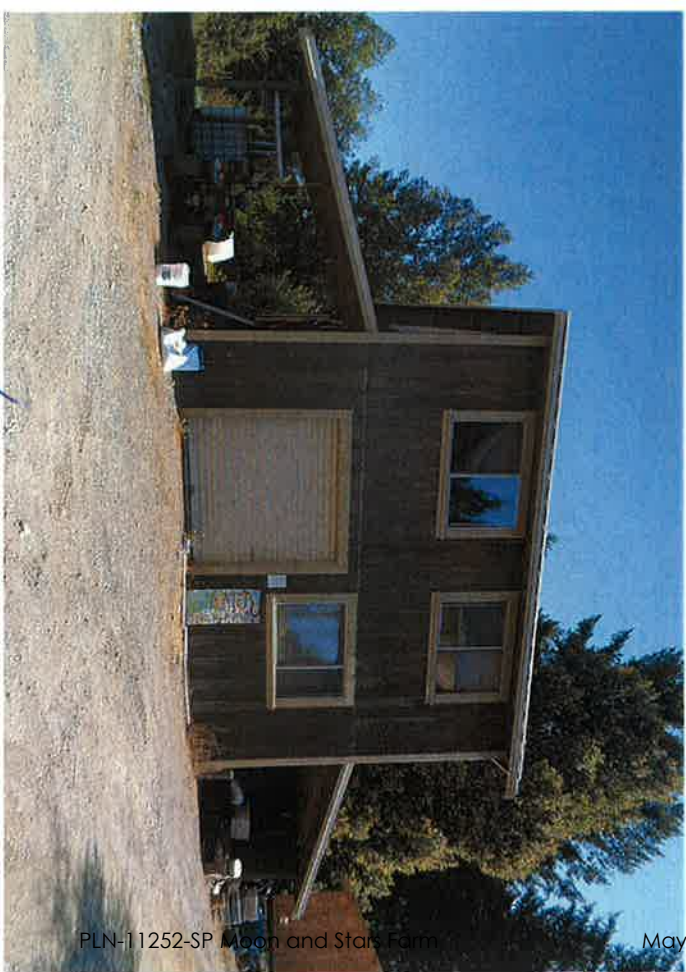
cult Area 5



HL #445

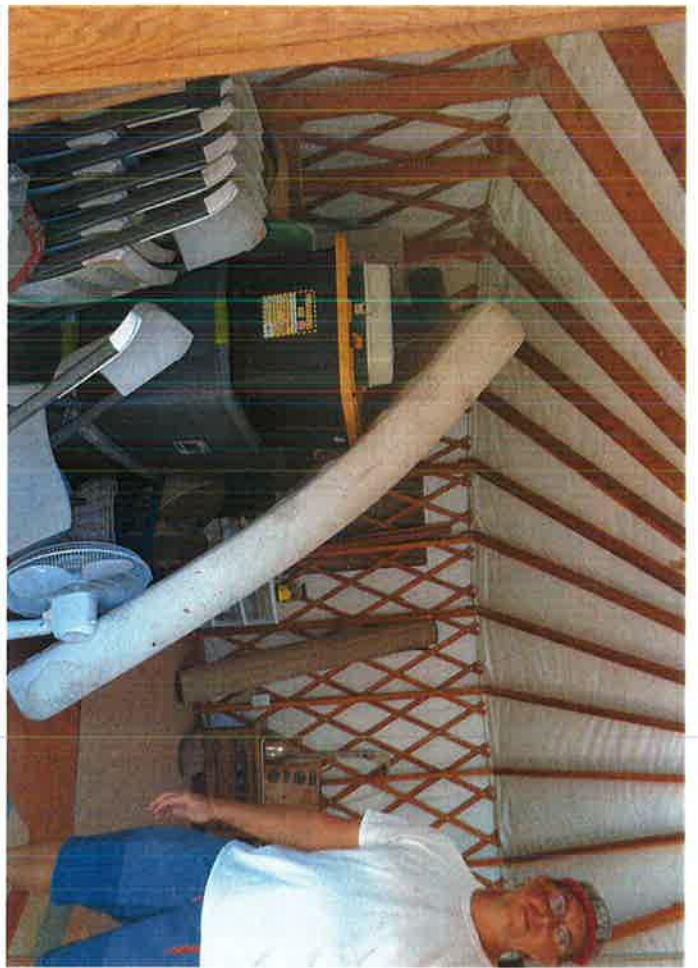
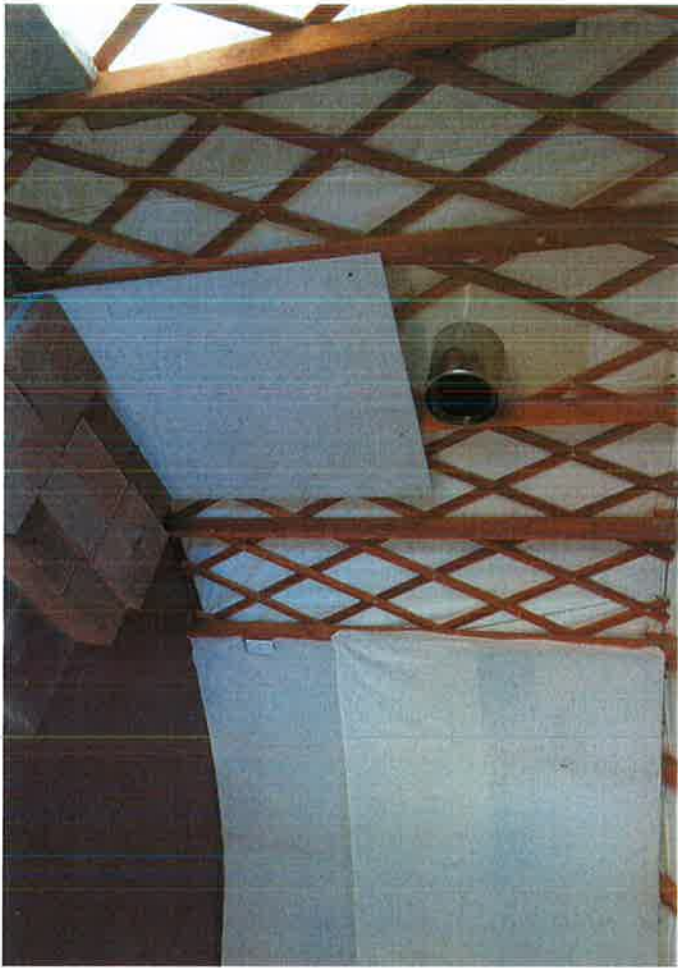


9/11/17 316-065-008



Processing Building

Just 2



Just 1



ML2, CA-1 → ML1

Cabin / Shop



OD 641

CH 6



Yurt 1 & 2



9/11/17 316-065-008

ODGH 1



Unit 1

Unit 1



Processing Building



9/11/17 310-065-008

Processing Building

Nutrient Shed



Well



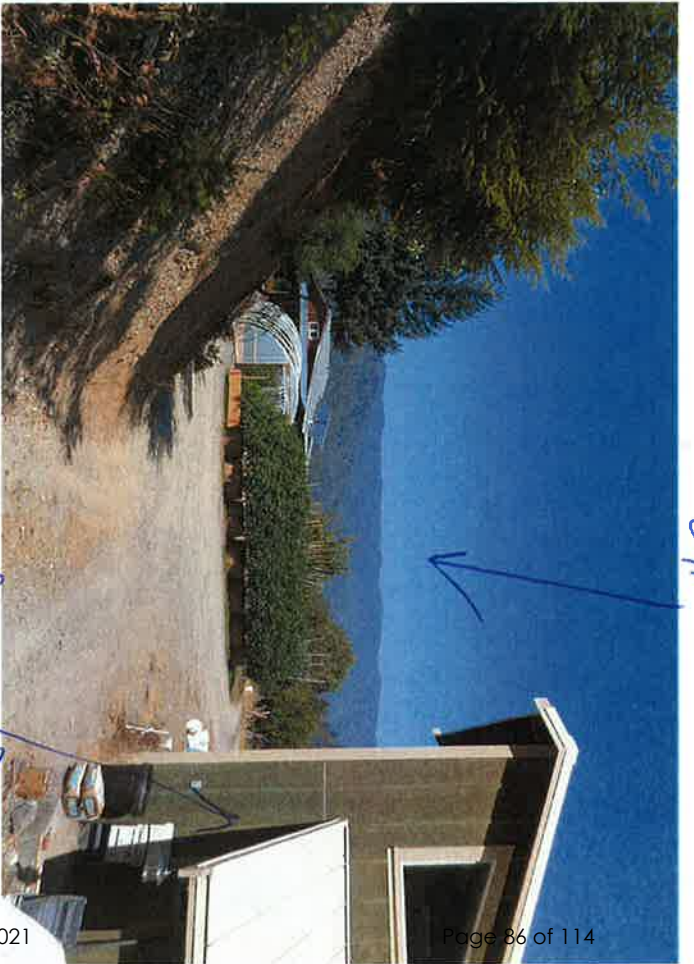
Com post



Well Solar ↓



Ch 5



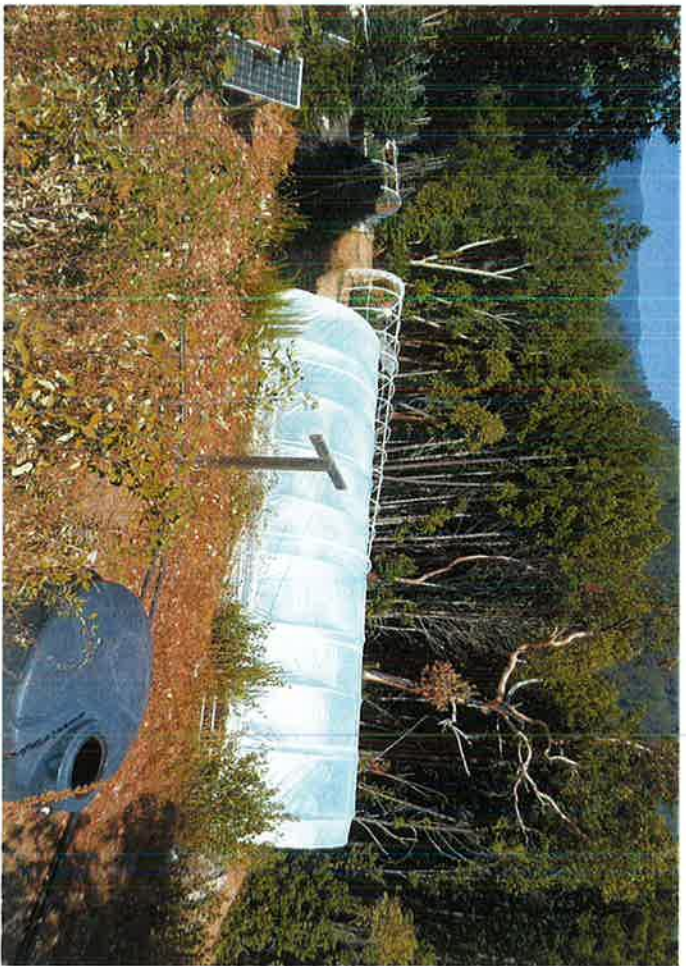
Processing Building



Unused well 9/11/17 316-065-008

Tank Farm

ODGH 3 ↓



ODGH 2 /



ML 1

ODGH 3

ML 3

ODGH 3

CA 1



ML 2

ML 1



ML 3

CA 1

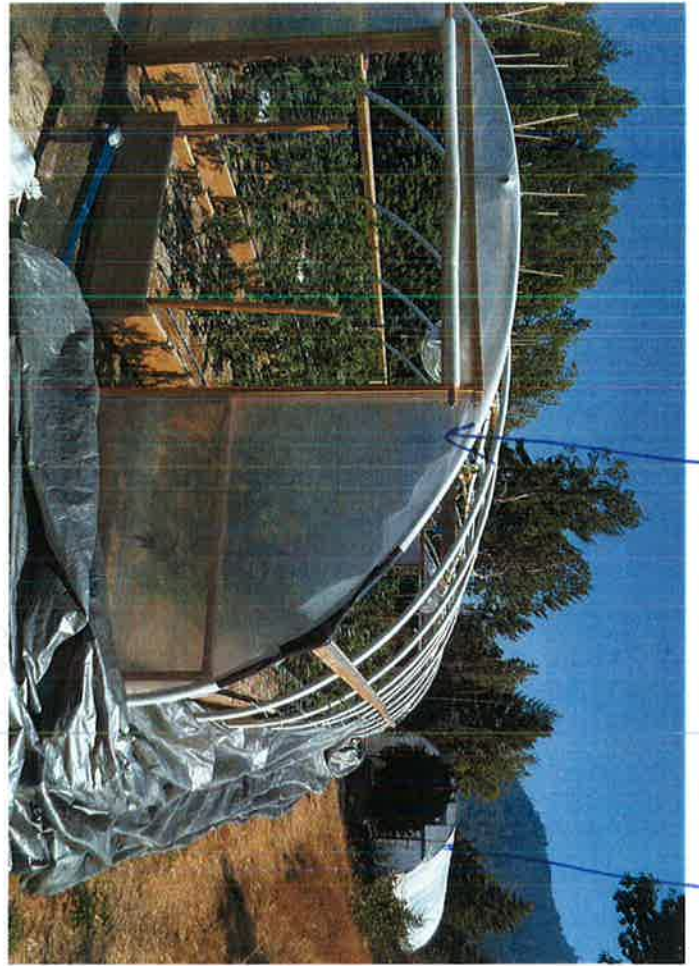


CA 2



9/11/17 316-065-008

CA 2
ML 2
CA 1



ML 1
ODGH 3



ML 2

9/11/17 316-065-008



ML 21 ML 31



CA 1





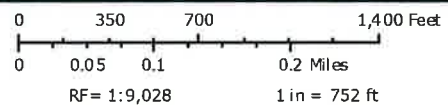
316-065-008

Humboldt County Planning and Building Department

- | | | |
|---------------------------|---------------------------|--------------------|
| Highways and Roads | — Private or Unclassified | — Intermittent |
| Principal Arterials | — Major River or Stream | — Subsurface |
| Minor Arterials | Blue Line Streams | — City Boundary |
| Major Collectors | — Perennial 1-3 | — Counties |
| Minor Collectors | — Perennial >4 | — Parcels (Owners) |
| Local Roads | | |

PLAN-11252-SP Moon and Stars Farm

May 6, 2021



Printed: September 12, 2017

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

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

Source: NRCS, Humboldt County GIS, Healthy Rural Roads, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS



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

DEH received
8-22-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, HCSO, Klamath Trinity School District, SWRCB, Division of Water Right

Applicant Name Moon and Stars Farm, Inc. **Key Parcel Number** 316-065-008-000

Application (APPS#) 11252 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-183

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Need More Information for Approval: Provide written assessment from a qualified septic consultant confirming a minimum of Tier 0 status for the existing onsite waste treatment system serving the dwelling.

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

Response Date: 4/20/2018 **Recommendation By:** Adam Molofsky

DISTRIBUTED

4-20-18

*



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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

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

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

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 1-08-2018

RE:

Applicant Name	MOON AND STARS FARM, INC
APN	316-065-008
APPS#	11252

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Items #1 and #4 on Exhibit "C"

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 11252

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?
☐ YES ☐ NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the *Road Evaluation Report(s)* for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?
☐ YES ☐ NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? ☐ YES ☐ NO

If YES, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? ☐ YES ☐ NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel __ of Parcel Map No. __" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? ☐ YES ☐ NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. 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.

DEPARTMENT OF TRANSPORTATION

District 1, P.O. Box 3700
EUREKA, CA 95502-3700
PHONE (707) 441-4693
FAX (707) 445-6314
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

September 25, 2019

1-HUM-299-33.7
Moon & Stars Farm
App# 11252

Mr. Misael Ramos
Planning & Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

Dear Mr. Ramos:

Thank you for giving Caltrans the opportunity to comment on recirculated referral for the Moon & Stars Farm, which requests a Special Permit to cultivate 6,500 square feet of outdoor and 3,500 square feet of mixed light cannabis cultivation on a site that is zoned for Timber Harvest Production. The project is located approximately 4.9 miles east of Berry Summit at 35220 State Route (SR) 299. We have reviewed the report and offer the following comments for your consideration.

The applicant's agent responded to our letter to Humboldt County, from September 2017, stating that the driveway was exclusively used by the project applicants and that the subject driveway did not meet sight distance requirements for the westbound lanes on SR 299. The recommendation of the applicant's agent was to condition the project to restrict left turns entering and exiting the applicant's driveway onto SR 299.

Caltrans' standard policy is to deny encroachment permit applications that do not meet design standards. To issue an encroachment permit for a driveway that does not meet standards, a design exception would need to be submitted by the applicant and approved by Caltrans. The design exception process is described in the Caltrans Project Development Procedures Manual. We are unable to guarantee that a design exception would be approved at this location based on the following considerations:

- The westbound lanes of SR 299 do not meet sight distance standards;
- The outside lane on eastbound SR 299 has restricted sight distance and would need to be improved to clearly meet sight distance requirements;

Mr. Misael Ramos
September 25, 2019
Page 2

- The driveway intersects SR 299 at a skewed angle and may also exceed the 5% slope limitation;
- The driveway does not currently appear to be paved to Caltrans standards (see Caltrans Encroachment Permit Manual, Appendix J);
- Left turns are currently prohibited at the driveway, which is indicated by the pavement markings (a double double-yellow centerline stripe). Vehicles that are currently making left turns at this location may be cited by law enforcement;
- The driveway is located where passing lanes are provided for both westbound and eastbound lanes. Introducing relatively frequent turn movements where traffic is accelerating to overtake slower moving vehicles presents a greater risk of high-severity collisions;
- The mountainous terrain and adjacent stream channel limit the feasibility of any highway widening at this location to safely accommodate turning movements.

We request that the County condition the Special Permit to require the applicant to obtain an encroachment permit from Caltrans for any driveway connection to State Route 299. The applicant is responsible for ensuring that their proposed access is able to meet State standards.

Please contact me if you have any questions or concerns, at (707) 441-4693 or by e-mail sent to <jesse.robertson@dot.ca.gov>.

Sincerely,



JESSE ROBERTSON
Transportation Planning
Caltrans District 1

Enclosed: Appendix J, Caltrans Encroachment Permit Manual

October 1, 2019

Moon and Stars Farm, Inc
Thomas O' Connor
P.O. Box 505
Willow Creek, CA 95573

Attn: Kaylie Saxon
Green Roads Consulting, Inc
1650 Central Ave Suite C.
McKinleyville, CA 95519

RE: Apps No.: 11252

APN: 316-065-008

Case No.: SP-16-183

Dear Mr. O' Connor

Thank you for your submittal of the above referenced application for a commercial cannabis permit. On September 21, 2017 the County received a referral response from Caltrans. The response raised concerns about the orientation of the driveway relative to the intersection with State Route (SR) 299. Additionally, the response indicates that the necessary improvements would be costly and would exacerbate known impacts of the adjacent topography on SR 299.

In response to Caltrans' September 21, 2017 referral response, Robin Collins, P.E. with Green Roads Consulting prepared a counter analysis, received by the County on December 1, 2017. It stated that the adjacent parcel was not currently inhabited. The counter analysis argued that the access to the site would not pose additional risks on SR 299, as based upon Caltrans own highway design manual, if left hand (westbound) turns from the driveway are restricted. This packet was sent to Caltrans for their review on two separate occasions.

On September 27, 2019, the County received Caltrans' response to the counter analysis prepared by Green Roads Consulting. The response reiterates that:

- The westbound lanes of SR 299 do not meet sight distance standards;
- The outside lane on eastbound SR 299 has restricted sight distance and would need to be improved to clearly meet sight distance requirements;
- The driveway intersects SR 299 at a skewed angle and may also exceed the 5% slope limitation;
- The driveway does not currently appear to be paved to Caltrans' standards;
- Left turns are currently prohibited at the driveway, which is indicated by the pavement markings (a double-yellow centerline stripe). Vehicles that are currently making left hand turns at this location may be cited by law enforcement;
- The driveway is located where passing lanes are provided for both westbound and eastbound lanes. Introducing relatively frequent turn movements where traffic is accelerating to overtake slower moving vehicles presents a greater risk of high-severity collisions.
- The mountainous terrain and adjacent stream channel limit the feasibility of any highway widening at this location to safely accommodate turning movements.

Since Caltrans has repeatedly advised of the constraints with obtaining an encroachment permit and probable high cost of carrying out the work of bringing the driveway up to the required standards, the County must require that you obtain an encroachment permit from Caltrans and complete the required improvements prior to the project going forward for decision.

The following options are available for your project:

1. Obtain and submit to the County a valid encroachment permit and verification from Caltrans that the road approach of the access road at State Route 299 meets commercial standards.
2. Apply to Retire and Remediate your site and request that it be Relocated to another parcel (RRR). An additional application is required for the receiving site if you wish to pursue this option.
3. Withdraw your application and ask for a refund of any account funds remaining, in writing, signed by Inc. CEO and Secretary.

Submit your intent to pursue one of these options to the County within the next 30 days.

Sincerely,

A handwritten signature in black ink that reads "Misael Ramos C." in a cursive script.

Misael Ramos C.
Planner, Cannabis Services Division
County of Humboldt

Attached: Caltrans' 9/27/2019 response.



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

1/19/2018

**PROJECT REFERRAL TO: California Department of Transportation
District #1**

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, HCSO, Klamath Trinity School District, SWRCB, Division of Water Right

Applicant Name Moon and Stars Farm, Inc. **Key Parcel Number** 316-065-008-000

Application (APPS#) 11252 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-183

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 2/3/2018

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: _____

PRINT NAME: _____



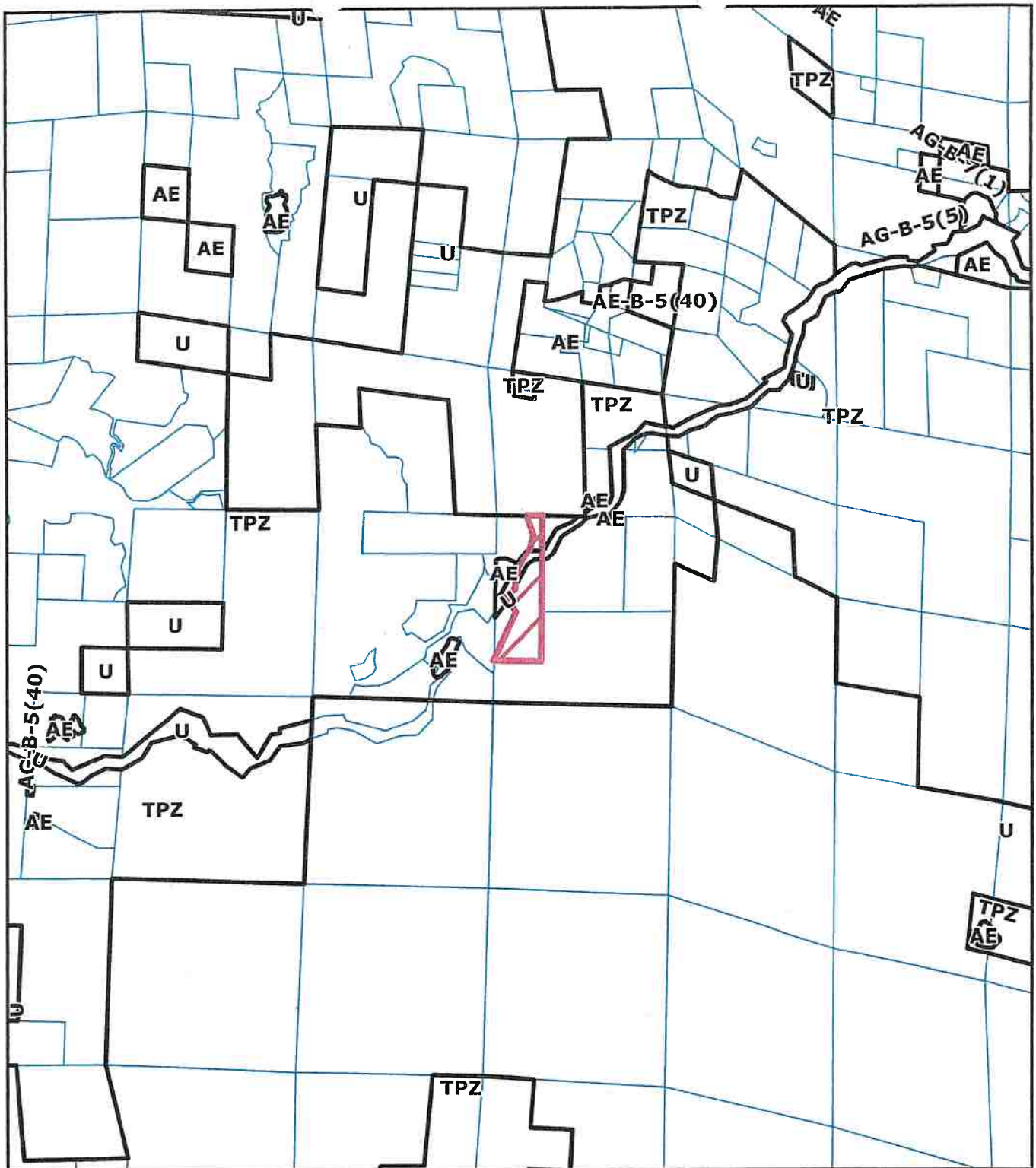
**AERIAL MAP
PROPOSED MOON AND STARS FARM, INC.
KORBEL AREA
SP-16-183
APN: 316-065-008
T06N R04E S11 HB&M (WILLOW CREEK)**

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 0.275 0.55 1.1 Miles



ZONING MAP
PROPOSED MOON AND STARS FARM, INC.
KORBEL AREA
SP-16-183
APN: 316-065-008
T06N R04E S11 HB&M (WILLOW CREEK)

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 0.4 0.8 1.6
 Miles

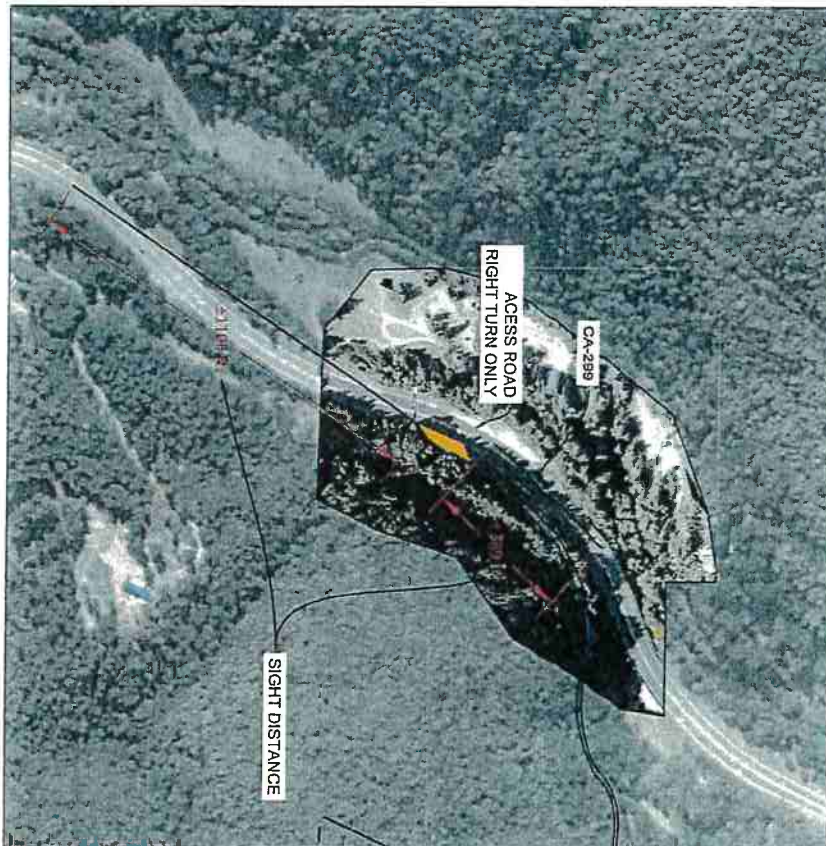


PARCEL OVERVIEW
APN: 000-000-000

LOCATION



PARCEL ACCESS



PROJECT INFORMATION			
PROPERTY OWNER		APN: 000-000-000	
ADDRESS		PARCEL OVERVIEW	
SHEET INFO			
DATE	10/26/17		
DRAWN BY	2		
SCALE	AS SHOWN		
SHEET	PO		



Attachment 2



Figure 1 View to the West.

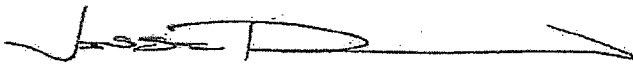


Figure 2 View to the east.

- The topography within the section of highway where the driveway connects is constrained by steep slopes and the riparian area adjacent to the stream channel for Willow Creek. Widening the roadway to construct a standard road approach with turn channelization would result in high costs and create additional environmental impacts;
 - The existing driveway was not constructed to current standards and would need to be widened for two-way traffic, meet sight-distance requirements, intersect SR 299 at a 90-degree angle, and be paved to a minimum of 20 feet from the edge of the existing traveled way. See appendix J of the Caltrans encroachment Permit Manual for commercial road approach standards:
< [http://www.dot.ca.gov/trafficops/ep/docs/Appendix_J_\(WEB\).pdf](http://www.dot.ca.gov/trafficops/ep/docs/Appendix_J_(WEB).pdf)>;
 - The District was unable to find an encroachment permit for the construction of the existing driveway. It appears that no permit was ever issued for the driveway's construction. In order to improve the existing driveway, the State would need to issue an encroachment permit to the adjacent property-owner, which does not appear to be the applicant. The applicant would also need to obtain an easement across all parcels underlying the driveway and obtain an encroachment permit from Caltrans to identify the applicant as one of the parties responsible for the ongoing maintenance of the driveway connection.
- Due to the extreme difficulty to construct a driveway connection to State standards at this location, we recommend that the County consider requiring alternate points of access to the public road network in order to serve a higher intensity land use or consider retiring the parcel for cannabis cultivation and relocating the use to a more suitable location.
 - Any work within Caltrans Right-of-Way, including construction staging and flagging, will require an Encroachment Permit from Caltrans. Applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we encourage the applicant to consult with our Permit staff prior to submitting an application. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6389. For additional information, the Caltrans Permit Manual is available online at: <<http://www.dot.ca.gov/hq/traffops/developserv/permits/>>.

Please contact me with questions or for further assistance regarding the above comments at (707) 441-4693 or at <jesse.robertson@dot.ca.gov>.

Sincerely,



Jesse Robertson
Transportation Planning
Caltrans District 1

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Design Guidelines for Typical Rural Driveways in State Right of Way.

REFERENCES:

Please always refer to the latest Highway Design Manual (HDM) for most up to date guidelines. The HDM indexes referenced in the guidelines below can be accessed online from the following link:

www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm

Initial Driveway Design Considerations:

1. **Location of the driveway shall be designed to maximize corner sight distance.** For corner sight distance, see HDM Index 405.1 (2) (c). Driveway proposals that do not meet sight distance requirements will not be permitted. The minimum corner sight distance shall be equal to the stopping sight distance as given in HDM Table 201.1. HDM Table 101.2 shows appropriate ranges of design speeds that shall be used for the various types of facilities, place types, and conditions listed. (See HDM Table 101.2 Vehicular Design Speed; Table 201.1 Sight Distance Standards; Index 205.4 Driveways on Frontage roads and in Rural Areas; Index 405.1 (2) Corner Sight Distance)
2. **Driveways connecting to State highways shall be paved a minimum of 20 feet from the edge of shoulder or to the edge of State right of way, whichever is less to minimize or eliminate gravel from being scattered on the highway and to provide a paved surface for vehicles and bicycles to accelerate and merge.** Where larger design vehicles are using the driveway (e.g., dump trucks, flatbed trucks, moving vans, etc.), extend paving so the drive wheels will be on a paved surface when accelerating onto the roadway (See HDM Index 205.4 Driveways on Frontage roads and in Rural Areas).

Driveway Design Details: Once considerations 1 and 2 above are met, driveway shall be designed per the following requirements:

3. Where County or City Regulations differ from the State's, it may be desirable to follow their regulations (See HDM Index 205.4 Driveways on Frontage roads and in Rural Areas).

OR

4. Design details are shown on HDM Figure 205.1. This detail, without the recess, may be used on conventional highways (See HDM Figure 205.1 Access Openings on Expressways, Note 2).
5. Approach and departure tapers should be 50 feet longitudinal and 8 feet from edge of traveled way at the end of the taper. Approach and departure tapers are not required where the existing paved shoulder is at least 8 feet wide (See HDM Figure 205.1 Access Openings on Expressways).

Structural Section Design Details: Driveways structural section has to meet the following requirements:

6. Approach and departure tapers should have structural sections matching the existing State highway shoulders. An alternate shoulder design is allowed. See HDM Figure 613.5B for details. For asphalt driveway the structural section should be equal to or greater than edge of shoulder or approach and departure tapers. Minimum thickness of surface course is 0.35 foot. Aggregate base depth should match State highway shoulders. Details (cross section, etc.) for concrete driveways are shown on Standard Plan A87A. Minimum thickness at driveway shall be 4 inches for residential and 6 inches for

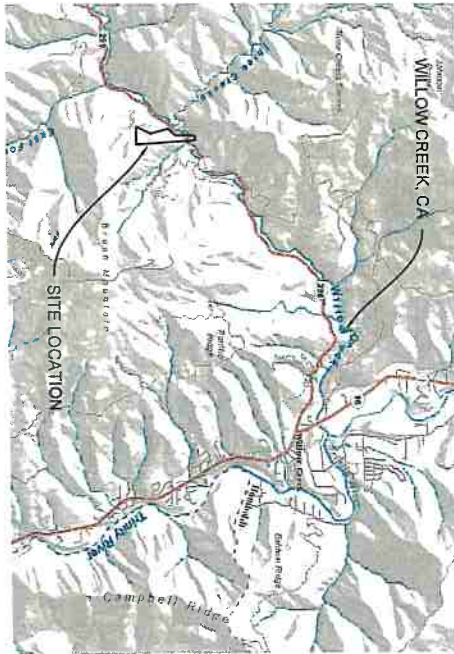
J-1

MOON AND STARS FARM, INC.

APN:316-065-008

VICINITY MAP

NOT TO SCALE



PROJECT DIRECTIONS

FROM: WILLOW CREEK, CA
-HEAD SOUTH ON CA-96 TOWARD CA-299
-TURN ONTO CA-299 (S MI)
-DRIVEWAY ON THE LEFT

TRAVEL TIME

APPROXIMATELY: 5 MILES (8 MINUTES)
FROM WILLOW CREEK

SHEET INDEX
CP-COVER PAGE
PO-PARCEL OVERVIEW

PROJECT INFORMATION

SITE ADDRESS: 35220 CA-299
WILLOW CREEK, CA, 95573
LAT/LONG: 40.9181, -123.6958
APN: 316-065-008
APPLICANT: MOON AND STARS FARM, INC.
PARCEL SIZE: 52 ACRES
ZONING: TPZ
APPLICATION TYPE:
TYPE 1B ZONING CLEARANCE
TYPE 2 SPECIAL

COASTAL ZONE: NO
100 YEAR FLOOD: NO

AGENT:

KAYUE 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. ALL
LOCATIONS SHOWN ARE APPROXIMATE AND
FOR CONCEPTUAL AND PLANNING PURPOSES.

PROJECT INFORMATION

PROPERTY OWNER TOM O'CONNER
ADDRESS 35220 CA-299 WILLOW CREEK CA, 95573
SHEET INFO COUNTY COVER PAGE



**GREEN
ROAD**
CONSULTING

NO.	REVISIONS	DATE
1	NO. NOTES	DATE
2		
3		
4		
5		
6		
7		
8		
9		
10		

DATE: 8/29/17
DRAWN BY: J2/A
SCALE: AS SHOWN
SHEET: CP



Making Conservation
a California Way of Life.

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-4693
FAX (707) 445-6314
TTY 711

September 14, 2017

1-HUM-299-33.7
APN: 316-065-008
SP# 16-183

Cannabis Planner on Duty (CPOD)
Planning & Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

Dear CPOD,

Thank you for giving Caltrans the opportunity to review and comment on the proposed Moon and Stars Special Permit (SP# 16-183), which requests a permit to allow a 6,500 square-foot outdoor cannabis cultivation and an additional 3,500 square feet of mixed light cultivation. The driveway serving the subject parcel connects to State Route 299 near the unincorporated community of Willow Creek, at post-mile 33.7, approximately five miles west of the State Route 299 junction with State Route 96. We offer the following comments:

- The driveway on SR 299 appears to serve multiple single family residences in addition to the existing cannabis cultivation site/s. The County should ensure that all existing improvements to the parcel, including residential structures, roads (including cut and fill slopes and drainage) and other grading, timberland conversion, and cannabis cultivation operations have been permitted, built to code or standards, and any environmental impacts mitigated, to avoid or reduce adverse effects to adjacent parcels or to public resources.
- The driveway connection to State Route 299, which provides access to the subject parcel, was initially constructed as an access for timber management and was not designed for daily use. As noted above, the incremental changes in land use which have increased the intensity of uses on-site has increased the potential for vehicular conflicts on State Route 299 due to the location and as-built design of the existing driveway connection. We have a number of concerns related to the suitability of the existing driveway for anything other than intermittent use:
 - The driveway connects to State Route 299 on the inside of a curve in the highway, which limits sight-distance in either direction and increases the potential for severe collisions associated with left-turns movements;
 - The existing driveway connection is located within a section of highway with passing lanes for both eastbound and westbound traffic, where vehicles entering or exiting the highway at less-than freeway speeds would significantly increase the potential for collisions;

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

- The topography within the section of highway where the driveway connects is constrained by steep slopes and the riparian area adjacent to the stream channel for Willow Creek. Widening the roadway to construct a standard road approach with turn channelization would result in high costs and create additional environmental impacts;
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< [http://www.dot.ca.gov/trafficops/ep/docs/Appendix_J_\(WEB\).pdf](http://www.dot.ca.gov/trafficops/ep/docs/Appendix_J_(WEB).pdf)>;
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Please contact me with questions or for further assistance regarding the above comments at (707) 441-4693 or at <jesse.robertson@dot.ca.gov>.

Sincerely,



Jesse Robertson
Transportation Planning
Caltrans District 1



Road Connections and Driveways

Design Guidelines for Typical Rural Driveways in State Right of Way.

REFERENCES:

Please always refer to the latest Highway Design Manual (HDM) for most up to date guidelines. The HDM indexes referenced in the guidelines below can be accessed online from the following link:

www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm

Initial Driveway Design Considerations:

1. **Location of the driveway shall be designed to maximize corner sight distance.** For corner sight distance, see HDM Index 405.1 (2) (c). Driveway proposals that do not meet sight distance requirements will not be permitted. The minimum corner sight distance shall be equal to the stopping sight distance as given in HDM Table 201.1. HDM Table 101.2 shows appropriate ranges of design speeds that shall be used for the various types of facilities, place types, and conditions listed. (See HDM Table 101.2 Vehicular Design Speed; Table 201.1 Sight Distance Standards; Index 205.4 Driveways on Frontage roads and in Rural Areas; Index 405.1 (2) Corner Sight Distance)
2. **Driveways connecting to State highways shall be paved a minimum of 20 feet from the edge of shoulder** or to the edge of State right of way, whichever is less to minimize or eliminate gravel from being scattered on the highway and to provide a paved surface for vehicles and bicycles to accelerate and merge. Where larger design vehicles are using the driveway (e.g., dump trucks, flatbed trucks, moving vans, etc.), extend paving so the drive wheels will be on a paved surface when accelerating onto the roadway (See HDM Index 205.4 Driveways on Frontage roads and in Rural Areas).

Driveway Design Details: Once considerations 1 and 2 above are met, driveway shall be designed per the following requirements:

3. Where County or City Regulations differ from the State's, it may be desirable to follow their regulations (See HDM Index 205.4 Driveways on Frontage roads and in Rural Areas).

OR

4. Design details are shown on HDM Figure 205.1. This detail, without the recess, may be used on conventional highways (See HDM Figure 205.1 Access Openings on Expressways, Note 2).
5. Approach and departure tapers should be 50 feet longitudinal and 8 feet from edge of traveled way at the end of the taper. Approach and departure tapers are not required where the existing paved shoulder is at least 8 feet wide (See HDM Figure 205.1 Access Openings on Expressways).

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6. Approach and departure tapers should have structural sections matching the existing State highway shoulders. An alternate shoulder design is allowed. See HDM Figure 613.5B for details. For asphalt driveway the structural section should be equal to or greater than edge of shoulder or approach and departure tapers. Minimum thickness of surface course is 0.35 foot. Aggregate base depth should match State highway shoulders. Details (cross section, etc.) for concrete driveways are shown on Standard Plan A87A. Minimum thickness at driveway shall be 4 inches for residential and 6 inches for

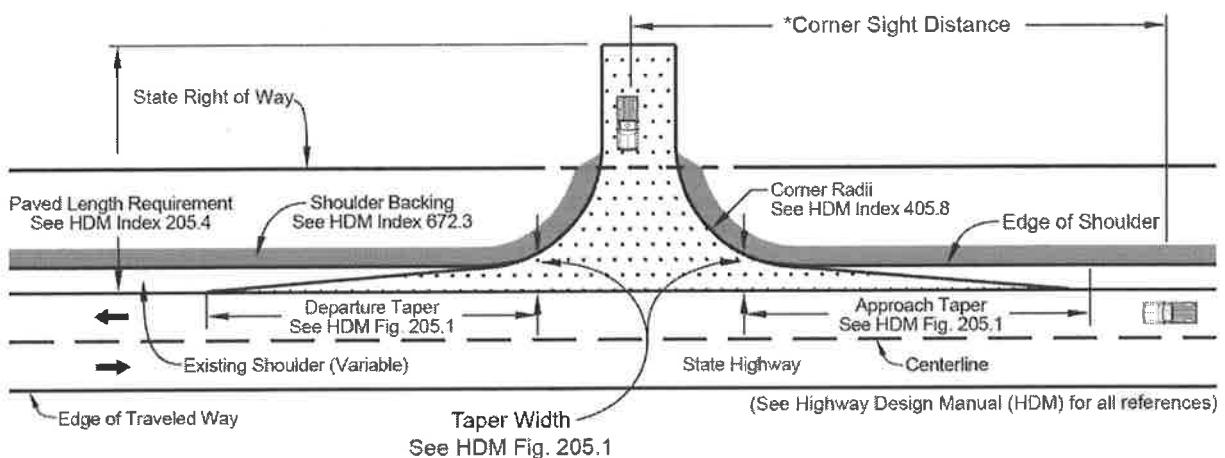
commercial. (See HDM 613.5 (2) Shoulders; Standard Plan A87A Curb and Driveways; Standard Plans are available at:

www.dot.ca.gov/des/oe/construction-contract-standards.html.)

7. Place shoulder backing from the edge of pavement (EP) to the hinge point (HP). Shoulder backing should be placed on a width of at least 2 feet from EP. For placement of shoulder backing thickness greater than 0.5 foot for slope repair; shoulder backing behind dikes; and where longitudinal drainage are present; see HDM for details. (see HDM Index 672 Shoulder Backing and HDM Figures 672.3 A through E)

The Figure below is provided to assist driveway design for rural areas and to clarify terminologies used in the above guidance. This figure is provided for general illustration purposes and is not be used for design details. It should not to be used as a drawing in the encroachment permit application for the driveway.

Driveway Design Requirements for Rural Areas with Unimproved Frontage on Conventional State Highways



*Corner Sight Distance shall be calculated from all directions of approach.
See HDM Index 405.1(2) & Figure 405.7 for set back and sight distance calculations.

Purpose: The above excerpts from the Department's HDM are shown for reference. The design standards used for any project should equal or exceed the minimum given in the manual to the maximum extent feasible. They do not replace engineering knowledge, experience, and judgment in the design of driveways.

Special situations may call for variation from policies and procedures, subject to the appropriate approval. This is not intended to, nor does it establish a legal standard or any other standard of conduct or duty toward the public.