



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: **Dimitar Dimitrov Special Permits**
Record Number: PLN-12590-CUP
Assessor's Parcel Number (APN): 215-291-002
250 Gibson Creek Road, Whitethorn area

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Please contact Samantha Thomas, Associate Planner, at 707-443-5054 or by email at ThomasS@lacoassociates.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Special Permits	Samantha Thomas

Project Description: A Special Permit for continued cultivation of 7,778 square feet (SF) of cannabis within three (3) greenhouses, consisting of 2,604 SF of mixed light and 5,143 SF of outdoor via light deprivation. Ancillary propagation will occur in a 756 SF structure. Water for irrigation and domestic use is sourced from an onsite point of diversion (POD) of an unnamed tributary to Gibson Creek. Existing available water storage is 202,000 gallons in twenty (20) 4,600-gallon hard plastic tanks and two (2) 55,000-gallon metal tanks. Estimated annual water usage is 130,600 gallons. Drying, curing, trimming, and packing occurs onsite. The applicant intends to utilize a licensed processing center for curing and processing in the future. Up to six (6) employees may be utilized during peak operations. Power is provided by PG&E. The proposed project includes a Special Permit for development within the Streamside Management Area (SMA) for continued use of the POD.

Project Location: The project is located in the Whitehorn area, on west side of Gibson Creek Road, approximately 0.25 miles east from the intersection of Briceland Thorne Road and Gibson Creek Road, on the property known as 250 Gibson Creek Road, Whitehorn (APN: 215-291-002).

Present Plan Land Use Designations: Residential Agriculture (RA5-20) Density: twenty acres per dwelling unit, Slope Stability: Low and Moderate instability (1 and 2).

Present Zoning: Unclassified (U)

Record Number: PLN-12590-CUP

Assessor's Parcel Number: 215-291-002

Applicant

Dimitar Dimtrov
1748 E. Hintz Road
Arlington Heights, IL 60004

Owner

Evgeni Kopankov
PO Box 513
Whitethorn, CA 95589

Agents

ETA Humboldt
C/O Vanessa Valare
1165 Kings Peak Road
Whitehorn, CA 95589

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

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

Major Issues: None.

Recommended 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 for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Dimitar Dimitrov project as recommended by staff subject to the recommended conditions.

Executive Summary: Dimitar Dimitrov seeks a Special Permit to allow the continued cultivation of 7,778 square feet (SF) of cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA5-20) in the Humboldt County 2017 General Plan Update and zoned Unclassified (U). Cultivation currently takes place in three (3) 2,904 SF greenhouses, where 2,604 SF is used for mixed light and 5,143 SF is used for outdoor via light deprivation. As indicated in the Lighting Diagram (see Attachment 3), the one (1) mixed light greenhouse will contain twenty-one (21) 600w lights (5.44w per square foot). Ancillary propagation will occur in the downstairs area of a 756 SF structure noted as an immature plant holding area with 22w regular light bulbs used as supplemental lighting. Two (2) harvests are anticipated annually for outdoor and three (3) harvests of mixed light for a growing season that extends from April through January.

Drying, curing, trimming, and packing occurs onsite in the upstairs and downstairs area of an existing 756-square foot structure as indicated on the Site Plan. The applicant intends to utilize a licensed processing center for curing and processing in the future. Up to six (6) employees may be utilized during peak operations. Power is provided by PG&E. The operation will be secured by one (1) gate on the private driveway off Gibson Creek Road that will remain locked. As the processing sheds serve as long-term storage for cannabis on-site, they will remain locked and no items of value will be left within visible areas. The applicant intends to install a camera system to each of the greenhouses with a central base at the cabin or connect to their smartphone, with a fully functional system by 2021.

Estimated annual water usage is 130,600 gallons (16.8 gal/SF) with peak demand occurring in July and August at approximately 6,000 gallons per month. Water for irrigation use is provided from an onsite point of diversion (POD) from an unnamed tributary to Gibson Creek. There is a Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB) (Certificate No. H504700) that allows for a total storage capacity not to exceed 0.74 acre-feet (241,130 gallons) with a rate of diversion to storage not to exceed 42,000 gallons per day. Existing available water storage is 202,000 gallons in twenty (20) 4,600-gallon hard plastic tanks and two (2) 55,000-gallon metal tanks. Therefore, water storage is consistent with the Right to Use and Divert Water. Water for domestic use is claimed through riparian right and is registered with the SWRCB through a Statement of Water Diversion and Use (S026468).

A Streambed Alteration Agreement Application (SAA 1600-2019-0955-R1) with the California Department of Fish and Wildlife (CDFW) (see Attachment 3) was originally submitted in October 2017, with a second submittal in December 2019 to maintain two (2) encroachments for water diversion for domestic use and irrigation, 'Gibson Creek Point of Diversion' and 'Spring Point of Diversion', allowing for the diversion of 185,000 gallons and the storage of 202,000 gallons for domestic and irrigation use, as well as upgrade existing stream crossings to current standards and to restore natural flow and minimize impacts to stream habitat to five (5) encroachments on Gibson Creek and unnamed tributaries. Per the applicant's updated Water Irrigation and Storage Plan (see Attachment 3) submitted December 17, 2020, the

'Gibson Creek Point of Diversion' is no longer in use. The 'Spring Point of Diversion' is used to fill storage tanks during diversion period for irrigation and for direct diversion during forbearance for domestic. The project shall be conditioned to provide a copy of the Final SAA obtained from the California Department of Fish and Wildlife, Notification No. 1600-2017-0692-R1. As the project includes onsite processing, the project shall be conditioned to furnish an acceptable site suitability report that can establish potential onsite waste treatment system (OWTS) adequate to support proposed staffing associated with processing. The approval of an unpermitted OWTS described in the provided Cultivation and Operations Plan as serving a residence is dependent upon demonstration of site suitability report from a Qualified Professional. The Humboldt County's WebGIS shows Gibson Creek located to the east of the site, a tributary to the Mattole River, and as noted on the site plan is a Class III watercourse with a 50-foot Streamside Management Area (SMA) buffer.

There are mapped sensitive plant species within the site and mapped sensitive animal species directly north, east, and south of the site with the nearest NSO sighting located approximately 750 feet northeast from the site and the nearest mapped NSO activity center is mapped as occurring over 1-mile from the project site. As the cultivation activities occur within a previously disturbed area prior to 2016, and with the incorporation of Best Management Practices as described below, the project is not anticipated to negatively impact NSO or other sensitive species. As indicated by the applicant in their Site Management Plan (see Attachment 3), the property is powered by PG&E. The one (1) 2,604 SF greenhouse as indicated in the Lighting Diagram (see Attachment 3), will contain twenty-one (21) 600w lights (5.44w per square foot), and as provided by the applicant, supplemental lighting will be used for ancillary propagation, with all doors and windows of the processing shed blacked out with black plastic from April through October to prevent light leaks. Due the projects proximity to the nearest NSO activity center, fans if present in the mixed-light greenhouse and other noise producing activities associated with the project shall be conditioned to be contained within a closed structure and maintain a noise level below 50dBAs at 100 feet from the noise source or the edge of habitat, whichever is closer.

Following an expansion settlement with the County of Humboldt in 2019, an environmentally superior relocation effort occurred on-site. Existing cultivation was relocated within at least 50 feet of stream channels, protecting riparian areas, and/or other mitigation approaches such as bioswales for a net benefit to the environment. All previous greenhouse infrastructure was removed, seed free straw was laid down, and waddles were installed as erosion control measures for bare exposed areas. Since on-site relocation was conducted, all areas are now fully vegetated with grasses and native plants.

Furthermore, the project is conditioned to continue adherence to Dark Sky Standards for greenhouse lighting and security lighting, maintain acceptable noise levels, 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 will not negatively impact NSO or other sensitive species.

Access to the site is via a private driveway off of Gibson Creek Road via Briceland Road. Briceland Road is designated as a minor collector per the County's WebGIS and is listed on the Department of Public Works "Exhibit D" as a known Category 4 or equivalent road. A Road Evaluation Report (see Attachment 3) dated December 17, 2019 was submitted to the County for Gibson Creek Road from Briceland Road indicating that the entire road segment is developed to the equivalent of a road Category 4 standard. Conditions of approval require the applicant to improve the intersection of Gibson Creek Road and Briceland Road as required by the Department of Public Works.

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

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

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

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

**Resolution Number 21-
Record Number PLN-12590-CUP
Assessor's Parcel Number: 215-291-002**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Dimitar Dimitrov Special Permits request.

WHEREAS, Dimitar Dimitrov, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 7,778 square foot (SF) cannabis cultivation operation in three (3) 2,904 SF greenhouses, where 2,604 SF is used for mixed light and 5,143 SF is used for outdoor via light deprivation, with appurtenant propagation and drying, curing, trimming, and packing activities;

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

WHEREAS, the Humboldt County 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 for continued cultivation of 7,778 square feet (SF) of cannabis within three (3) greenhouses, consisting of 2,604 SF of mixed light and 5,143 SF of outdoor via light deprivation. Ancillary propagation will occur in a 756 SF structure noted as an immature plant holding area with 22w regular light bulbs used as supplemental lighting. Irrigation water is sourced from an onsite point of diversion (POD) within a Streamside Management Area (SMA). Existing available water storage is 202,000 gallons in twenty (20) 4,600-gallon hard plastic tanks and two (2) 55,000-gallon metal tanks. Estimated annual water usage is 130,600 gallons. Drying, curing, trimming, and packing occurs onsite. The applicant intends to utilize a licensed processing center for curing and processing in the future. Up to six (6) employees may be utilized during peak operations. Power is provided by PG&E.

EVIDENCE: a) Project File: PLN-12590-CUP

2. FINDING:

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

EVIDENCE: a) 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) As required under the original CEQA document, a Site Management Plan was prepared by ETA Humboldt to show compliance with the State Water Board Cannabis General Order No. WQ-2017-0023-DWQ.
- d) Per CDFW's Resource Map, Northern Spotted Owl habitat exists in the vicinity, with the nearest NSO sighting located approximately 750 feet northeast from the site and the nearest mapped NSO activity center is mapped as occurring over 1 mile from the project site. Conditions of approval require noise displacement to be at or below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife (CDFW) for protection of sensitive species. Additional conditions include but are not limited to adhering to Dark Sky Standards for greenhouse lighting and security lighting; is fully contained with black out tarps; have all outside lighting on timers or motion sensors; avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work; refrain from using synthetic netting; ensure refuse is contained in wildlife proof storage; and refrain from using anticoagulant rodenticides to further protect wildlife
- e) The project was referred to the Northwest Information Center (NWIC) and Bear River Band of Rohnerville Rancheria in September 2017. The Tribal Historic Preservation Officer (THPO) for the Bear River Band of Rohnerville Rancheria provided comment requesting the inclusion of inadvertent archaeological discovery language. No further study is required. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.
- f) A Road Evaluation Report was prepared for Gibson Creek Road from Briceland Road by Dimitar Dimitrov December 17, 2019 which identified that the road is suitable for safe access to and from the project site.
- g) Following an expansion settlement with the County of Humboldt in 2019, per the applicant, an environmentally superior relocation effort occurred on-site. Existing cultivation was relocated within at least 50 feet of stream channels, protecting riparian areas, and/or other mitigation approaches such as bioswales for a net benefit to the environment. All previous greenhouse infrastructure was removed, seed free straw was laid down, and waddles were installed as erosion control measures for bare exposed areas. Since on-site relocation was conducted, all areas are now fully vegetated with grasses and native plants.

FINDINGS FOR SPECIAL PERMITS

3. FINDING

The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. 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 U zone in which the site is located.

EVIDENCE

- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the U zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of 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 7,778 square foot (SF) cannabis cultivation operation in three (3) 2,904 SF greenhouses, where 2,604 SF is used for mixed light and 5,143 SF is used for outdoor via light deprivation on a 17.56-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 U (HCC 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 by deed recorded September 2, 1950, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The project obtains water from permitted diversionary water sources. The Applicant has a Right to Use and Divert Water issued by the SWRCB for irrigation (Certificate No. H504700), a Statement of Water Diversion and Use for domestic (S026468), and a Streambed Alteration Agreement Application (SAA 1600-2019-0955-R1) in conjunction with the identified diversionary water sources.
- d) A Road Evaluation Report was completed by Dimitar Dimitrov December 17, 2019. The Evaluation addressed Gibson Creek Road to Briceland Road, which is a county-maintained road. All road segments evaluated were found to be functionally appropriate for the expected traffic. Conditions of approval require the applicant to improve the intersection of Gibson Creek Road and Briceland Road as required by the Department of Public Works.
- e) The slope of the land where cannabis will be cultivated is less than 15% based on Google Earth imagery.
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 7,778 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be

detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on a road that is developed to the equivalent of a road Category 4 standard to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 15 acres. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) The project obtains water from permitted diversionary water sources. The Applicant has a Right to Use and Divert Water issued by the SWRCB for irrigation (Certificate No. H504700), a Statement of Water Diversion and Use for domestic (S026468), and a Streambed Alteration Agreement Application (SAA 1600-2019-0955-R1) in conjunction with the identified diversionary water sources.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does support one existing 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

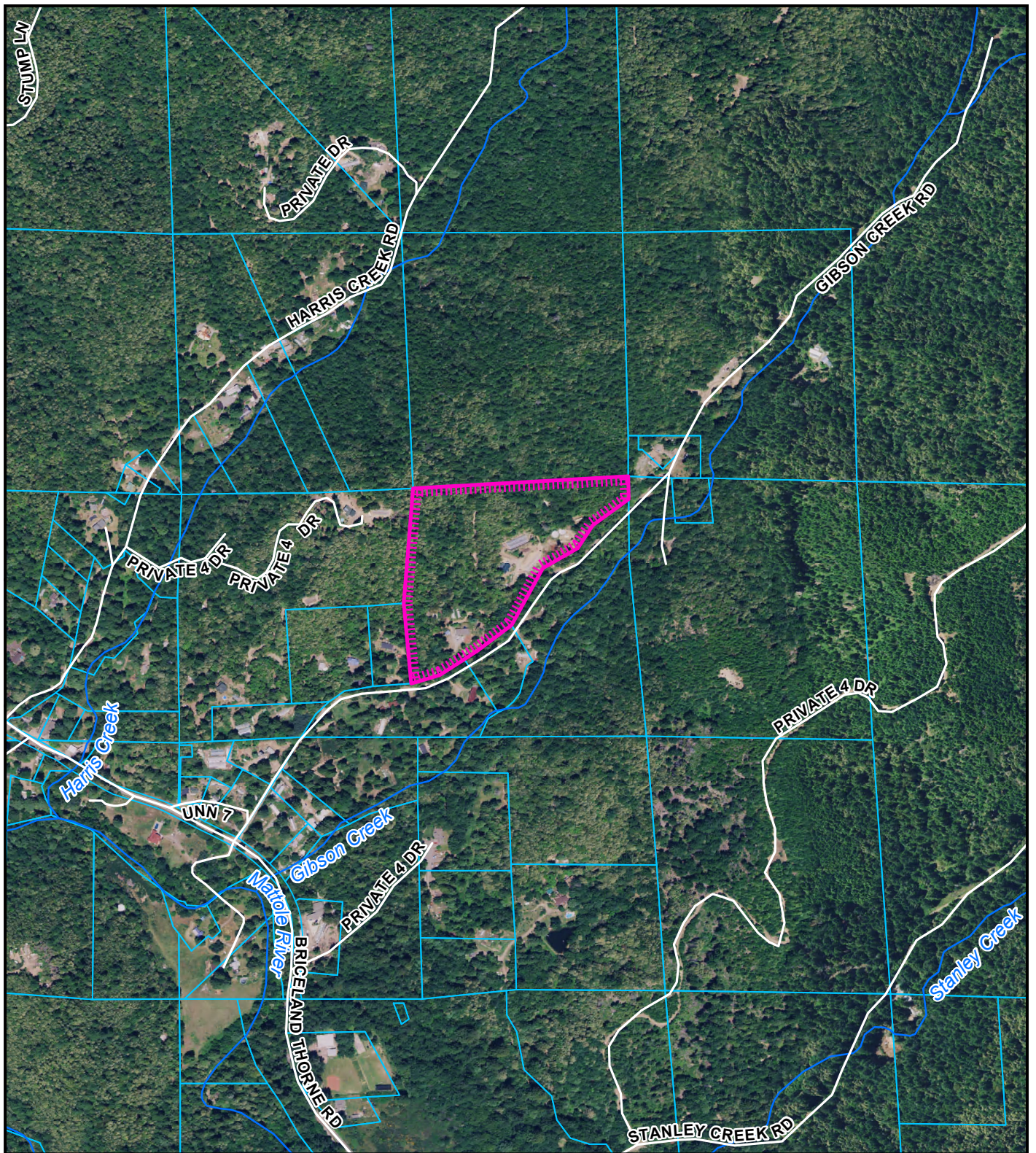
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Dimitar Dimitrov, 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 H. Ford, Zoning Administrator,
Planning and Building Department



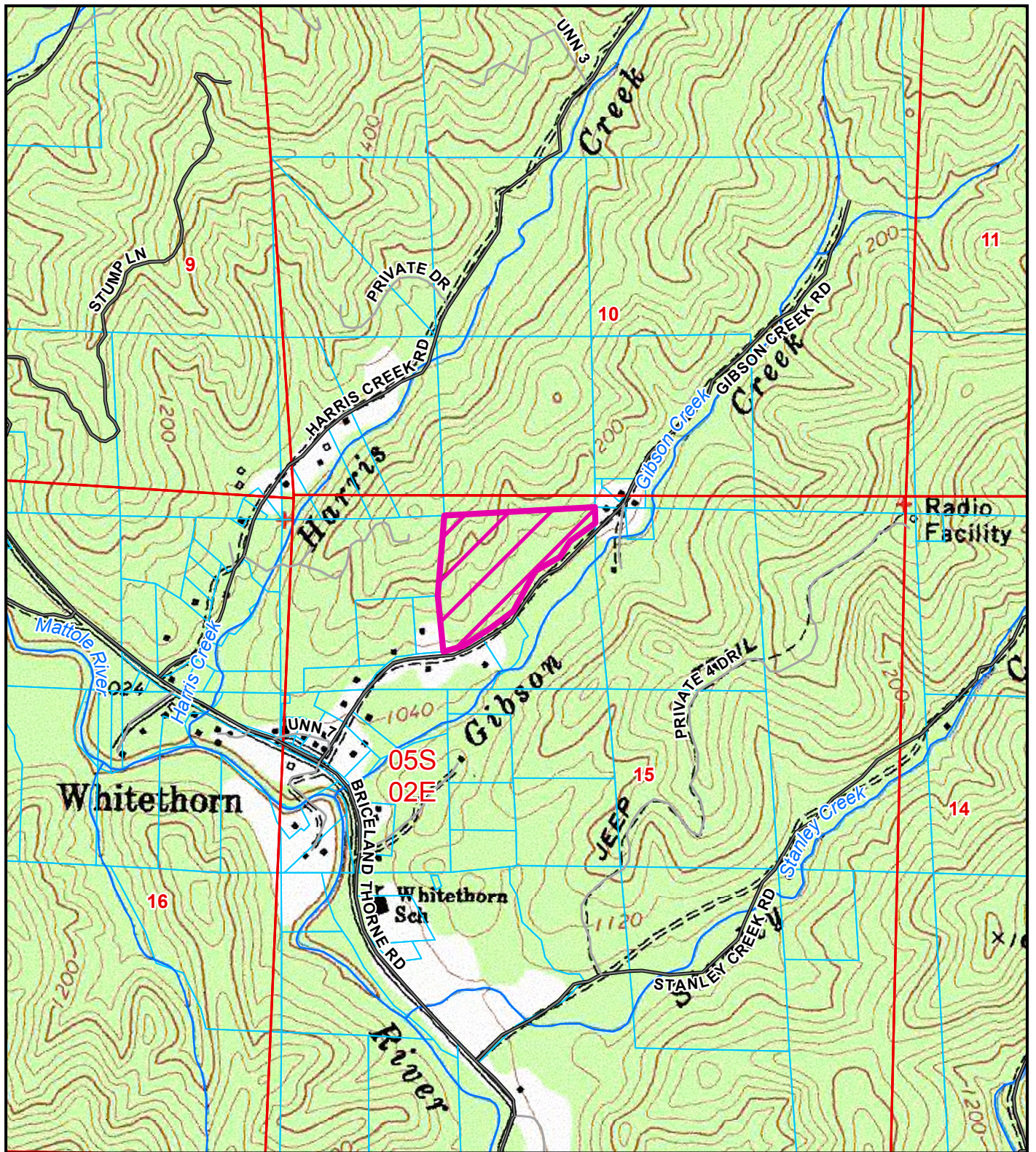
Project Area = 

AERIAL MAP
PROPOSED DIMITAR DIMITROV
WHITETHORN AREA
CUP-16-760; SP-16-094
APN: 215-291-002
T05S R02E S15 HB&M (BRICELAND)

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

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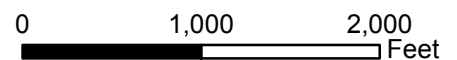


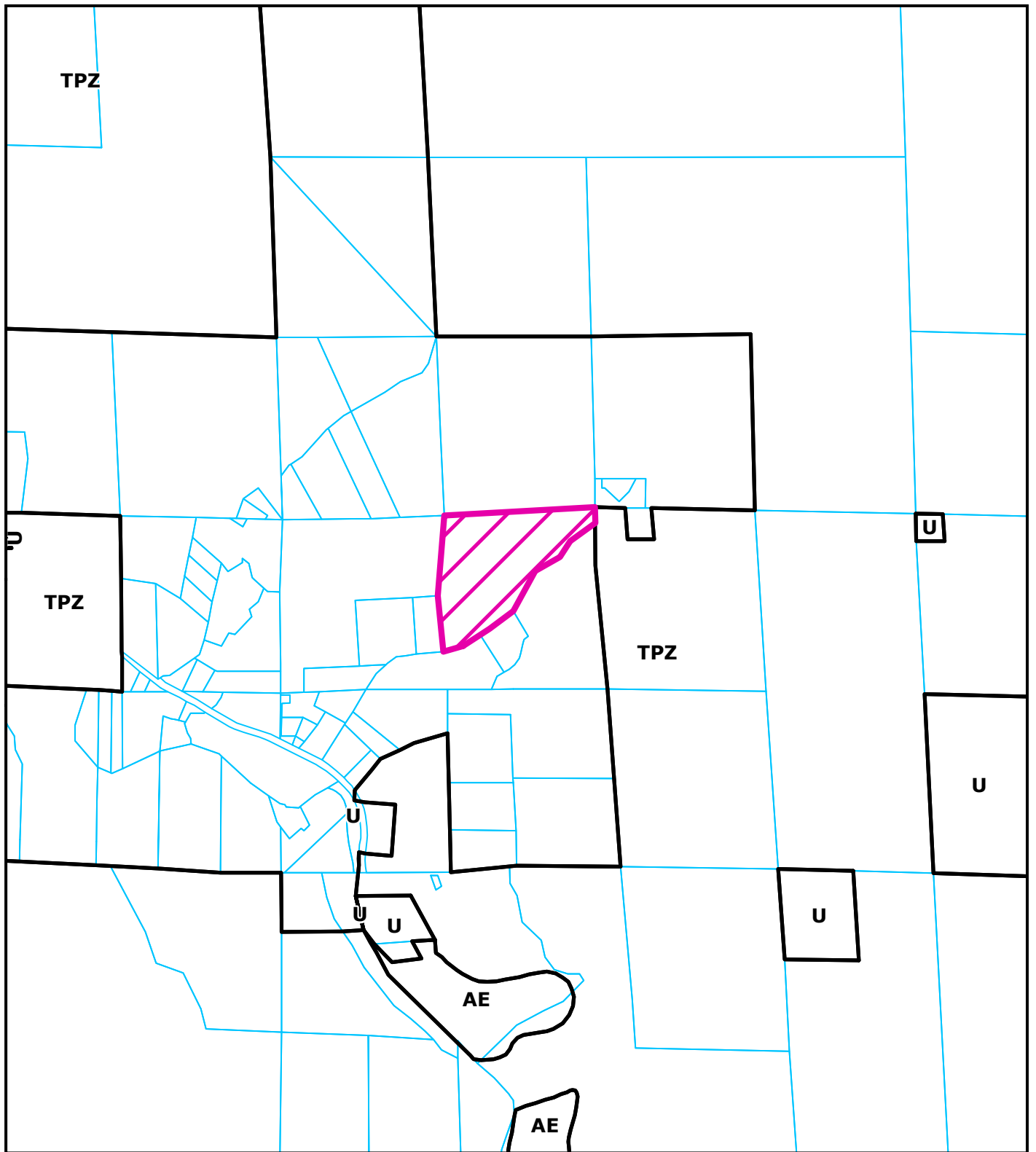


Project Area = 

TOPO MAP
PROPOSED DIMITAR DIMITROV
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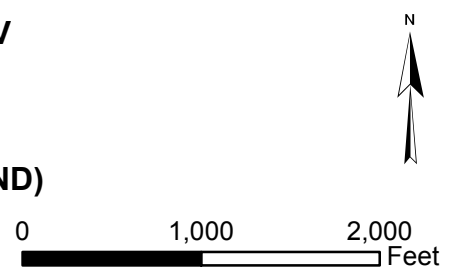


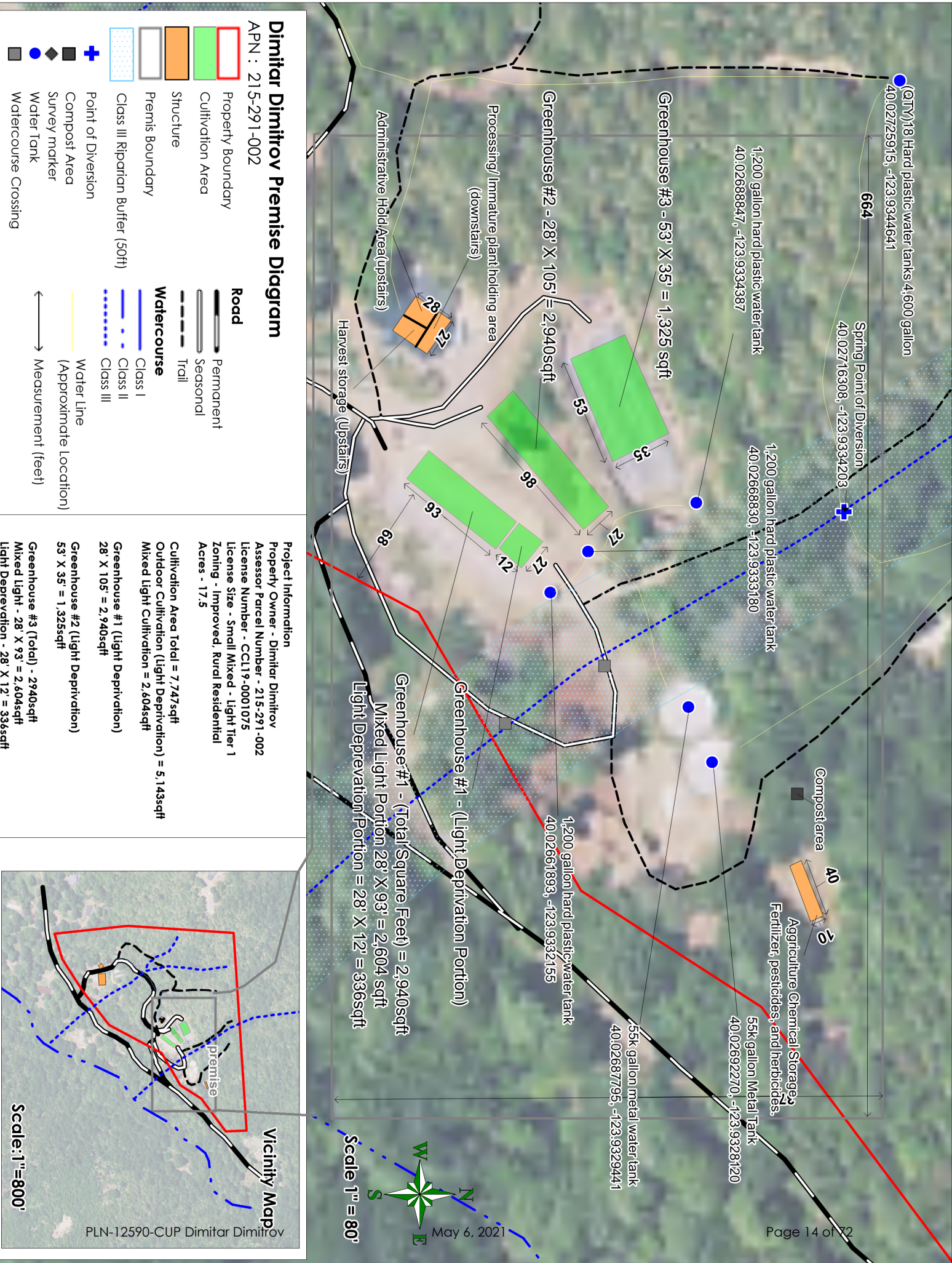


Project Area = 

ZONING MAP
PROPOSED DIMITAR DIMITROV
WHITETHORN AREA
CUP-16-760; SP-16-094
APN: 215-291-002
T05S R02E S15 HB&M (BRICELAND)

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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 sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
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 #10. 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 and grading related to the cannabis cultivation, appurtenant propagation, and drying, curing, trimming, and packing activities, 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 shall satisfy this condition.
7. The applicant shall secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that

all their requirements have been met will satisfy this condition.

8. The applicant shall adhere to all terms and conditions of the issued Right to Use and Divert Water by the SWRCB (Certificate No. H504700) for use of the POD from an unnamed tributary to Gibson Creek for irrigation as well as the Statement of Water Diversion and Use (S026468) for domestic.
9. The applicant shall submit a copy of the Final Streambed Alteration Agreement to the Planning Department. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
10. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 2 Low Risk enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met shall satisfy this condition.
11. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
12. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
13. The applicant shall ensure all existing or proposed non-county-maintained access roads that will serve as access for the proposed project and connect to a county-maintained road be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Humboldt County Department of Public Works (PW) prior to commencement of any work in the County maintained right of way. If the County road has a paved surface at the location of the access road, the access road shall be paved or rocked (match current surface) for a minimum width of 20 feet and length of 50 feet where it intersects the County road. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. Written correspondence from a Public Works Land Use Division employee to the Humboldt County Planning Department confirming completion of this requirement shall satisfy this condition.
14. 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.

15. The applicant shall be in compliance with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
16. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the POD and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
17. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
18. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
19. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
20. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. The applicant shall continue adherence to Dark Sky Standards, ensuring all artificial light being used shall not escape at a level that is visible from neighboring properties.

3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. 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.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. 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.
10. 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.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. 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.
14. 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.

15. 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).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. The applicant shall follow all of CalFire's general recommendations for fire safety, resource management, and cannabis.
20. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
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 (CUPA) 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 MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
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:

- a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
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 ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

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 two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 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 #31 and 33 of the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

ATTACHMENT 2

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

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

APN 215-291-002; 250 Gibson Creek Road, Whitehorn, County of Humboldt

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

April 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 (CUP16-760 and SP 17-094) for an existing 7,778 square foot (SF) cannabis cultivation operation where cannabis is grown in three (3) 2,904 SF greenhouses, where 2,604 SF is used for mixed light and 5,143 SF is used for outdoor via light deprivation. The one (1) mixed light greenhouse will contain twenty-one (21) 600w lights (5.44w per square foot). Ancillary propagation when needed will occur in the downstairs area of a 756 SF structure noted as an immature plant holding area with 22w regular light bulbs used as supplemental lighting. Irrigation water is sourced from an onsite point of diversion (POD) within a Streamside Management Area (SMA). Existing available water storage is 202,000 gallons in twenty (20) 4,600-gallon hard plastic tanks and two (2) 55,000-gallon metal tanks. Estimated annual water usage is 130,600 gallons (16.8 gal/SF). Drying, curing, trimming, and packing occurs onsite. The applicant intends to utilize a licensed processing center for curing and processing in the future. Up to six (6) employees may be utilized during peak operations. Power is provided by PG&E.

The project site contains riparian habitat associated with tributaries to Gibson Creek, which is tributary to the Mattole River. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30 percent. There are mapped sensitive plant species within the site and mapped sensitive animal species directly north, east, and south of the site with the nearest NSO sighting located approximately 750 feet northeast from the site and the nearest mapped NSO activity center is mapped as occurring over 1-mile from the project site. As the cultivation activities occur within a previously disturbed area prior to 2016, and with the incorporation of Best Management Practices as previously discussed, the project is not anticipated to negatively impact NSO or other sensitive species. Artificial lighting is used to support the 2,604-square-foot mixed-light propagation area; therefore, conditions of approval require the applicant use light and noise attenuation to ensure the project has a less than significant impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy.

Following an expansion settlement with the County of Humboldt in 2019, per the applicant, an environmentally superior relocation effort occurred on-site. Existing cultivation was relocated within at least 50 feet of stream channels, protecting riparian areas, and/or other mitigation approaches such as bioswales for a net benefit to the environment. All previous greenhouse infrastructure was removed, seed free straw was laid down, and waddles were installed as erosion control measures for bare exposed areas. Since on-site relocation was conducted, all areas are now fully vegetated with grasses and native plants.

A referral from Bear River Band was received on February 16, 2018, recommending Inadvertent Discoveries Protocol be followed in regard to discovery of historical and archeological resources occurs. Additionally, all development currently meets, or will meet as a condition of approval:

- Appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors; and
- Category 4 road standards or functional capacity through the submittal of the Road Evaluation Report (see Attachment 3).

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 adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to 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 Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 7,778 square foot (SF) of cultivation with ancillary drying, curing, trimming, and packing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Applicant received February 4, 2021.

- Cultivation Plan prepared by Vanessa Valare received March 5, 2021.
- Operation Plan prepared by Vanessa Valare received March 5, 2021.
- Processing, Soils Management, Light Pollution, Domestic Wastewater Disposal Plans prepared by Vanessa Valare received December 19, 2019.
- Water Irrigation and Storage Plan (Addendum) prepared by Vanessa Valare received April 9, 2021.
- Security Plan prepared by Vanessa Valare dated December 17, 2020.
- Lighting Diagram prepared by Applicant received March 5, 2021.
- State Water Resources Control Board, Initial Statement of Water Diversion and Use (Application 422178; No. S026468 from eWRIMS).
- State Water Board, Water Diversion of Water Rights (Right to Divert and Use Water Certificate No. H504700)
- Site Management Plan (WDID No. 1B161328CHUM) prepared by ETA Humboldt Received April 9, 2021 for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) dated September 24, 2019.
- Notice of Applicability, Waiver of Waste Discharge Requirements Order No. R1-2015-0023 dated March 16, 2018 from the North Coast Regional Water Quality Control Board.
- Lake or Streambed Alteration Agreement Application (original) received December 19, 2019.
- Draft LSA Agreement Notification No. 1600-2019-0955-R1 dated October 22, 2020.
- Road Evaluation Report for Gibson Creek Road via Briceland Road prepared by Dimitar Dimitrov (Applicant), dated December 17, 2019.
- CDFW Resource Map. Proposed Dimitar Dimitrov, Whitehorn Area, CUP-16-760, APN: 215-291-002. T05S R02E S15 HB&M (Briceland).

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. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (State Water Board Division of Water Rights, Right to Divert and Use Water (Certificate No. H504700) and Statement of Water Diversion and Use (S026468 from eWRIMS)) – Attached
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Notice of Applicability, Site Management Plan prepared by ETA Humboldt received 4/9/2021; Condition of Approval – Compliance with State Cannabis Cultivation Policy)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (On file - Draft LSA Agreement Notification No. 1600-2019-0955-R1 dated 10/22/2020; Condition of approval – submit copy of Final Streambed Alteration Agreement)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report for Gibson Creek Road via Briceland Road prepared by Dimitar Dimitrov (Applicant), dated 12/17/2019 and received 12/19/2019. (Attached)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
17. CDFW Resource Map. Proposed Dimitar Dimitrov, Whitehorn Area, CUP-16-760, APN: 215-291-002. T05S R02E S15 HB&M (Briceland). (On file)

Cultivation Plan

Dimitar Dimitrov

Location: 250 Gibson Creek Rd. Whitethorn, CA 95589

County: Humboldt

APN: 215-291-002

Address: 1748 E Hintz Rd. Arlington Heights, IL 60004

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.923.1180

Email: etahumboldt@gmail.com

Cultivation Site

This project will consist of 3 flowering greenhouses. The total pre-existing flowering canopy cultivation for this parcel is 12,060ft². Approved interim permit is for 7,778 ft². The footprint of these gardens has been relocated to one location. All cannabis in gardens grow in greenhouses. All cannabis is harvested and dried on site. Cannabis Garden POU #1 this area is the location of all greenhouses on this parcel. Cultivation site has 2 (two) light deprivation greenhouses and 1 (one) Mixed Light greenhouse. Mixed Light greenhouse is 28' x 93' for a total of 2,604 ft². (greenhouse is actually 28' x 105' but the rear 12' x 28' (336ft²) are used for Light Deprivation Greenhouse 1 is 28' x 105' (2,940ft²), and Light Deprivation Greenhouse 2 is 35' x 53' (1,867 ft²) for a total of 5,143ft².

Footprint explanation

Cannabis Garden POU #1 this area is the location of all greenhouses. Cultivation site has 2 (two) light deprivation greenhouses and 1 (one) Mixed light greenhouse.

Greenhouse 1 (Light Deprivation) 28' x 105' 2,940ft²

Greenhouse 2 (Mixed Light) 28' x 93' 2,604 ft² and 28' x 12' 336ft² of Light Deprivation

Greenhouse 3 (Light Deprivation) 35' X 53' 1,867ft²

Immature Plants

Immature plants will be propagated from seed or purchased from a licensed nursery. When needed a section of the processing shed is used for seedling and immature plants, only minor supplemental light is used, 22w regular light bulbs.

Cultivation Cycles

I intend to harvest the mixed- light greenhouse three times. I intend to harvest the light deprivation greenhouses twice. The first time in July after a mixed light/Light Deprivation cycle. The second harvest in Sept/Oct with mixed light/light deprivation cycle and the third time in January after a mixed light cycle.

Monthly Cultivation Site Activities

Month	Activities
January	Harvest greenhouses. Harvested flowers to hang in drying room, then to be cured and hand trimmed per processing plan. Plan new year. Check greenhouse for issues/fix. Check water lines, tanks and all equipment for repairs or damages. Make plan for repairs.
February	Work on trenches/and holes for plants layer more compost in beds. Treat compost if necessary. Finishing processing last year's crop if still necessary.
March	Get clones from other permitted grow operation. Transplant and move into garage with seedlings. Amend beds, fix fences, service equipment, make plan for independent contractors i.e.; painting, fence building, greenhouse fixing, etc.
April	Amend and start turning beds, prep dirt and supplies for greenhouse plants Add nematodes compost for pest prevention. Mid- April move first round of plants to greenhouses. Weed whacking, mowing, and brush cleanup.
May	Spray with preventive sulfur. Treat with biodynamic preparations for pest control and mold control. Greenhouse plants switched into flower using lights in May. Turn beds, fix/ replace and clean drip emitters, check timers. Double check all water systems for leaks and clogs. Put out sound sensors for rodents.
June	Hay put over each trench for water retention. Regular feeding schedule of compost teas adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from compost. Procure next round of plants from licensed nursery.
July	Harvest greenhouse mid-month, replant with new clones from a permitted nursery. Treat plants with preventive measures. Harvested flowers to hang in drying room, then to be cured and hand trimmed per processing plan.
August	Finish processing July's harvest. Monitor water supply, check lines and all areas for insect/ animal disturbance. Regular feeding schedule of compost teas

	adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from compost.
September	Prepare for Harvest. Clean and prepare lines and drying spaces in garage. Clean all supplies and purchase new items needed. Regular feeding schedule of compost teas adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from compost.
October	Harvest greenhouses, replant with new clones from a permitted nursery. Process as outlined above. Treat plants with preventive measures. Harvested flowers to hang in drying room, then to be cured and hand trimmed per processing plan.
November	Finish processing October's harvest. Monitor water supply, check lines and all areas for insect/ animal disturbance. Regular feeding schedule of compost teas adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from compost.
December	Prepare for Harvest. Clean and prepare lines and drying spaces in garage. Clean all supplies and purchase new items needed. Regular feeding schedule of compost teas adhered to. Pests are dealt with as they arise with oils, nematodes and predator mites from compost.

Operations Plan

Dimitar Dimitrov

Location: 250 Gibson Creek Rd. Whitethorn, CA 95589

County: Humboldt

APN: 215-291-002

Address: 1748 E Hintz Rd. Arlington Heights, IL 60004

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.923.1180

Email: etahumboldt@gmail.com

Project Description

This project will consist of 3 (three) flowering greenhouses. The total pre-existing flowering canopy cultivation for this parcel is 5,143ft² outdoor and 2,635ft² of mixed light. The footprint of these gardens has been relocated to one location. All cannabis in gardens grow in greenhouses. All cannabis is harvested and dried on site. Cultivation site has 2 (two) light deprivation greenhouses and 1 (one) Mixed Light greenhouse. Mixed Light greenhouse is 28' x 93' for a total of 2,604 ft². (rear of mixed light greenhouse also contains 336 ft² (12' x 28') of light deprivation cultivation space.) Light Deprivation Greenhouse 1 is 28' x 105' (2,940ft²), and Light Deprivation Greenhouse 2 is 35' x 53' (1,867ft²) for a total of 5,143ft². Two cycles of Light Deprivation and three cycles of Mixed-light cultivation are grown in these greenhouses.

The area was graded with an approved plan from Humboldt County Planning Dept. There are companion plants, native grasses and indigenous plants that grow in the garden and around the area to also help control any type of run off. There are no signs of wastewater runoff or erosion in this garden. Hay is also spread around the area and on the topsoil. The water line as well as manifolds and fittings are checked almost daily for leak or cracks.

Land Features

To the best of my knowledge the graded flats on the land were created by the previous owner. They hired a firm named Manhard consulting, which has since gone out of business. My client purchased this property from Anderson Lynn. I am having a hard time procuring the documents but have a request in Humboldt County Planning Dept for more documentation regarding land features. Also have request in NCRWQCB as well. Site will be checked on a weekly basis to monitor for performance on BMP.

Proximity

The property is 303 ft from my neighboring property line to the north, and 587 ft from the neighboring property line to the east. 111 ft to the south, and 516 ft to the west. Please see site maps. There are no schools, school bus stops, public parks, public lands, hiking trails or tribal resources within 600 ft of my property.

Tracking, Records, and Inspections

CERCC requires that the project comply with the Track-and-Trace System and local requirements. The following policies shall be implemented to ensure compliance with the CERCC and CWMP:

- A. In addition to all other tracking requirements, disposal of cannabis waste shall use the Track-and-Trace System with documentation to ensure cannabis waste is identified, weighed, and tracked while on premises and when disposed.
- B. All cannabis plant material identified as cannabis waste shall be reported in the Track-and-Trace System made within three (3) business days of the change in disposition from cannabis plant material into cannabis waste scheduled for destruction or disposal.
- C. Review of on-site cannabis, Track-and-Trace System records, cannabis waste, commercial waste, and any other records shall be available for CDFA inspection or their designated representative. Inspections shall occur at standard business hours from 8:00am to 5:00pm. Prior notice for inspections is not required by the inspecting agency.
- D. No person shall interfere with, obstruct or impede inspection, investigation or audit. This includes, but is not limited to, the following actions: Denying the department access to the licensed premises. Providing false or misleading statements. Providing false, falsified, fraudulent or misleading documents and records, and failing to provide records, reports, and other supporting documents.
- E. Accurate and comprehensive records shall be maintained on-site for seven (7) years regarding cannabis waste which are subject to CDFA inspection that account for, reconcile, and evidence all activity related to the generation or disposition of cannabis waste.

Trash/Refuse

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. All trash and recycling are stored in cans with lids on a stable, flat area. The cans are secured to exclude wildlife and prevent discharge or contact with water or receiving waters. Garbage and refuse shall be disposed of at an appropriate waste disposal location. All garbage and refuse are disposed of at an authorized municipal waste transfer station. It will be

taken to Redway Transfer station by personal vehicle, i.e. truck, 1-3 times per week depending on garbage accumulation.

Solid Waste/ Recycling

Solid waste and recyclables on the property will be not be stored or collected. They will be taken to Redway Transfer station by personal vehicle, i.e. truck, 1-3 times per week depending on garbage accumulation. All soil will be reused and never dumped. Garbage from the grow is bags from amendments and fertilizer containers. All items will be cleaned out properly into a leach field or garden area, recycled if possible and if not removed to the transfer station. All recycling is sorted in a can with lids in the yurt until it is removed. No garbage is stored outside or unattended where animals can access.

Solid Waste and Recyclables Disposal

Redway Transfer Station
Recycling center in Humboldt County, California
Conservation Camp Rd.
Redway, CA 95560
707-923-3944
<https://www.recology.com/recology-eel-river/redway-transfer-station/>

Hazardous Waste Disposal

Humboldt Waste Management Authority
1059 W Hawthorne St.
Eureka, CA 95501
707-268-8680

Processing Plan

Dimitar Dimitrov

Location: 250 Gibson Creek Rd. Whitethorn, CA 95589

County: Humboldt

APN: 215-291-002

Address: 1748 E Hintz Rd. Arlington Heights, IL 60004

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.923.1180

Email: etahumboldt@gmail.com

Processing Plan

Harvest

Cannabis will be harvested using gloves and clean tools. All cannabis will be hung to dry in the Processing buildings. Dehumidifiers and fans will aid drying in the buildings. Cannabis will be dried for 10-21 days on lines in these areas depending on weather. The rooms will have proper ventilation, fans, and dehumidifiers to maintain proper environment. Moldy cannabis will be removed and destroyed using county and state approved procedures for holding and destroying unwanted product.

Curing

Curing will take place after cannabis is dried on the lines. Cannabis will be visually checked for mold then placed into plastic totes for (2) weeks to two (2) months for curing. During this time the bins will be checked for mold and moisture consistency. Curing cannabis will be stored in processing buildings. Moldy or defective cannabis will be removed and destroyed using county and state approved procedures for holding and destroying unwanted product.

Processing

Cannabis Trimming, trimming will occur as cannabis becomes ready from curing process. Trimming will physically take place in processing building (see on map) with plenty of ventilation and fresh air. Plans to process the cannabis with the aid of trim machines. As needed, I will hire 4-6 independent contractors with a processor's license to help.

Processed cannabis will be bagged into turkey bags or sealed bags to be held until a distributor is ready. The trim or remaining leaves from processed cannabis, will be bagged into brown lawn bags and into contractor bags to be stored until needed, sold or destroyed in the legal manner. Using a processing center for trimming would be ideal scenario in future. As soon as option is available, I intend to utilize it.

Processing- Independent Contractors

Independent contractors will have access to parking, spacious work zone, clean supplies for task, hand washing areas with soap, bathroom with sink and flushing toilet and break area. The break area has a stove, refrigerator and ample counter space for all meal preparation. Fresh spring water is available, via permitted spring diversion, but workers are encouraged to bring their own drinking water. All areas are kept clean and in good condition. All independent contractors will have access to personal safety equipment to meet the needs of the job for example, face mask, gloves, Tyvek suits, safety glasses, rubber boot covers etc. Additionally, the following practices will be implemented and only employ persons for hire as allowable by law. At all times workers shall have access to safe drinking water, toilets and handwashing facilities. Workers will commute daily, there are no worker sleeping facilities planned. Water for workers is provided via domestic use spring, which supplies water to the residence. See site plan.

Workers are to carpool to property using as few vehicles as possible. Applicant anticipates only one (1) To two (2) vehicles traveling the road daily.

Worker Safety Practices

Safety protocols will be implemented to protect the health and safety of employees. All employees shall be provided with adequate safety training relevant to their specific job functions, which may include:

- Employee accident reporting
- Security breach
- Fire prevention

Materials handling policies

Use of protective clothing such as long sleeve shirts, brimmed hats, and sunglasses.

Each garden site and or processing area have the following emergency equipment:

Personal protective equipment including gloves and respiratory protection are provided where necessary

- Fire extinguisher
- First Aid Kit
- Snake Bite/Bee Sting Kit

Soils Management Plan

Dimitar Dimitrov

Location: 250 Gibson Creek Rd. Whitethorn, CA 95589

County: Humboldt

APN: 215-291-002

Address: 1748 E Hintz Rd. Arlington Heights, IL 60004

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.923.1180

Email: etahumboldt@gmail.com

Soils Management Plan

Cultivation Soils

All soil from cultivation site will be reused and never dumped. Reused meaning the applicant tills the soils in place in the garden areas. No soils are removed or transferred to other parts of the property. Applicant amends the garden soils every year with basic amendments.

Greenhouses plants are planted in beds directly in the ground. Protection from overuse of inputs and reuse of these soils shall be a key component of operations.

Operations will protect the resources through the following means:

The Site management plan will be implemented, Cultivations will occur in beds, air pots, or in the ground. Mixing, tilling, and amending of soils will occur within the receptacles. Composting is in a secure dedicated area. Vegetative materials will be chipped back into the compost pile.

Cover crops will be utilized when not in cultivation for a month or more to reduce soil loss. Garbage from the cultivation is limited to bags from amendments and fertilizer containers. All items will be cleaned out properly into the garden area, recycled if possible and if not removed to the transfer station. 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 stored 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 groundwaters.

Light Pollution Control Plan

Dimitar Dimitrov

Location: 250 Gibson Creek Rd. Whitethorn, CA 95589

County: Humboldt

APN: 215-291-002

Address: 1748 E Hintz Rd. Arlington Heights, IL 60004

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.923.1180

Email: etahumboldt@gmail.com

Light Pollution Control

The only light applicant uses is supplemental light for immature plants. Immature plants located in the processing shed. Area is well maintained and inspected for light leaks every day that plants are under this light. The light is small supplemental light 30-40 22w light bulbs. All doors and windows of processing shed are blacked out with black plastic to prevent light leaks.

Applicant guarantees that there are no light leaks coming from the processing shed.

Domestic Wastewater Disposal

Dimitar Dimitrov

Location: 250 Gibson Creek Rd. Whitethorn, CA 95589

County: Humboldt

APN: 215-291-002

Address: 1748 E Hintz Rd. Arlington Heights, IL 60004

Contact Name: Vanessa Valare

Telephone: 760.613.6520/ 707.923.1180

Email: etahumboldt@gmail.com

Wastewater

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.

Wastewater is generated using two toilets and 3 sinks, that are in two bathrooms and one kitchen area, the wastewater is contained into a septic tank. Septic permit is available for review if necessary.

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.

North Coast Regional Water Quality Control Board

September 24, 2019

WDID:1_12CC407107

DIMITAR DIMITROV
305 EAST HIGGINS ROAD
ELK GROVE, IL 60007

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

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

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

Sincerely,

2019.09.25 10:17:43 PDT

On Behalf Of
Water Boards

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

190924_2L_1_12CC407107_1B161328CHUM_Dimitrov_Gibson_Creek_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, DIMITAR DIMITROV, HUMBOLDT COUNTY APN(s) 215-291-002

Dimitar Dimitrov (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on November 30, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC407107**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B161328CHUM.

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

1. FACILITY AND DISCHARGE DESCRIPTION

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

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

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by February 27, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

4. MONITORING AND REPORTING PROGRAM

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

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32.

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

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$1,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

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

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

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

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us
Anderson Lynn PO Box 513 Whitethorn, CA 95589

North Coast Regional Water Quality Control Board

March 16, 2018

WDID: 1B161328CHUM

Anderson Lynn
P.O. Box 513
Whitethorn, CA 95589

Notice of Applicability, Waiver of Waste Discharge Requirements Order No. R1-2015-0023 for Humboldt County APN(s) 215-291-002-000

This letter serves as notification of enrollment under Order No. R1-2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (Order). The North Coast Regional Water Quality Control Board (Regional Water Board) has received your initial fee required to enroll for coverage as a Tier 2 site under the Order. Your enrollment is effective as of September 09, 2016 (Effective Date). We have entered the information from your enrollment documents into the California Integrated Water Quality System (CIWQS), which is available at https://www.waterboards.ca.gov/water_issues/programs/ciwqs/. You have been assigned an identification number associated with your enrollment, WDID No. 1B161328CHUM. You must retain a copy of the Order, Notice of Intent (NOI), Monitoring and Reporting Program (MRP) and associated monitoring documentation at the enrolled site, and make them available to Regional Water Board staff on request.

You must complete and submit the reporting form portion of the MRP (Annual Report) to the Regional Water Board by March 31st of each year. The 2017 Annual Report is due by March 31, 2018. Effective January 26, 2018, the submission process for Annual Reports is now completely electronic. For those otherwise in compliance with the Order, submittal of the Annual Report within 30 days of the deadline (i.e. received by April 30, 2018) will not be considered an enforcement priority. We have created a fillable PDF form to streamline the annual reporting process. The form has been reduced to two pages and additional clarification has been added in sections that appeared to have caused confusion in previous versions. You must download and complete the fillable PDF form using Adobe Reader from the NCRWQCB website at:
<https://www.waterboards.ca.gov/northcoast/CannabisAnnualReport.html>.

If your enrollment Effective Date was prior to July 1, 2017, you should have already received an invoice from the State Water Resources Control Board regarding your annual fee due. If this is the case and you have not yet received an invoice, you should contact staff in the Regional Water Board Cannabis Unit at (707) 576-2676 or NorthCoast.Cannabis@waterboards.ca.gov. If your enrollment Effective Date is after June 30, 2017, you will not receive an invoice for an annual fee until Spring of 2019. Fees should only be submitted in response to an invoice and must be submitted to the State Water Resources Control Board. Any fee payments submitted directly to the Regional Water Board will be returned to the sender listed on the incoming envelope.

Per the Tier 2 requirements described in the Order you are required to have developed and begun implementing a water resource protection plan by March 08, 2017, 180 days after your Effective Date. You are responsible for ensuring compliance with the water resource protection plan and the Order. The water resource protection plan must include a monitoring element that provides for periodic inspection of the site and completion of a site-specific checklist to confirm placement and effectiveness of management measures, and to document progress on any plan elements subject to a time schedule.

If you anticipate restoration, remediation, or existing infrastructure upgrades in streams or wetlands identified on your property, you will need to submit a Surface Water Correction Workplan at least 60 days prior to the proposed work (Appendix D of the Order available at: https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/). No work shall be performed in streams or wetlands without prior authorization from the Regional Water Board. Please note, if you conduct activities in streams or wetlands on your property, you may need to obtain permits for your proposed work from additional federal, state, or local entities. For example, you may need to obtain a Clean Water Act section 404 permit from the Army Corps of Engineers for dredge and fill activities or a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife for stream-related work. It is your responsibility to consult with the appropriate agencies and obtain all necessary permits prior to beginning any work.

Enrollees that propose to terminate coverage under the Order must submit a Notice of Termination (NOT) in writing (preferably via email to NorthCoast.Cannabis@waterboards.ca.gov). The NOT consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the Standard Conditions of the Order, including dated photographs and a written discussion. If the site is not meeting the Standard Conditions of the Order then the enrollment cannot be terminated. Regional Water Board staff will review the NOT for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate. The Regional Water Board maintains its enforcement discretion after approval of a notice of termination.

All dischargers enrolled under Regional Water Board Order No. R1-2015-0023 as of October 17, 2017, (the adoption date of the Statewide Cannabis General Order No. WQ

2017-0023-DWQ) must apply for coverage under the Statewide Cannabis General Order by July 1, 2019, through the online enrollment portal (available at: <https://public2.waterboards.ca.gov/cgo>). Dischargers enrolled under the Regional Water Board Order may retain the reduced setbacks applicable under the Order for existing cultivation areas unless the Regional Water Board Executive Officer determines that the reduced setbacks are not protective of water quality. However, any new development or expansion to cannabis cultivation areas or other cannabis related activities must comply with the riparian setbacks in the Statewide General Order.

If there is a change in ownership or operation of the site, you must immediately notify the Regional Water Board and transfer into the Statewide Cannabis General Order. Notification of a change in ownership or operation of the site may be submitted to: NorthCoast.Cannabis@waterboards.ca.gov. In the notification please include the contact information for the new owner or operator, and provide documentation showing that the new owner or operator has been given notice of the existence of this Order.

Finally, be aware that enrollment under this or any other Water Board order does not in any way authorize, endorse, sanction, permit, or approve the cultivation, possession, use, sale, or other activities associated with cannabis. Enrollment under this Order does not preclude the need for permits that may be required by other governmental agencies, nor does it supersede any requirements, ordinances, or regulations of any other regulatory agency.

All monitoring report submissions and questions regarding compliance and enforcement should be directed to NorthCoast.Cannabis@waterboards.ca.gov or 707-576-2676.

Sincerely,

 2018.03.16 14:58:59 PDT
FOR Water Boards

Matthias St. John
Executive Officer

1B161328CHUM_Anderson_Lynn_NOA_R1-2015-0023



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H504700

CERTIFICATE H100392

Right Holder: *Dimitar Dimitrov*
305 East Higgins Road
Elk Grove, VIR 60007

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 12/04/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Unnamed Spring	Gibson Creek	Mattole River	40.027277	-123.933089	Humboldt	215-291-002
	Gibson Creek	Mattole River	Pacific Ocean	40.025699	-123.932585	Humboldt	215-291-004

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Aesthetic	Humboldt	215-291-002	0.18365

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 01/02/2019.

The place of use is shown on the map filed on 01/02/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.99 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.74 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable
PLN-12590-CUP Dimitar Dimitrov
May 6, 2021
Page 50 of 72

conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

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

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

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

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

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 01/02/2019 09:32:33

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HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT



PART A: *Part A may be completed by the applicant*

Applicant Name: Dimitar Dimitrov

APN: 215-291-002

Planning & Building Department Case/File No.: 12590

Road Name: Gibson Creek Road (complete a separate form for each road)

From Road (Cross street): Briceland Road

To Road (Cross street): Gibson Creek Rd

Length of road segment: approx 1 mile miles Date Inspected: 9/12/2019

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

Check one of the following:

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

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

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

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

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

Signature

Date

12-17-2019

Dimitar Dimitrov

Name Printed

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

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

PART A: Part A may be completed by the applicant

Applicant Name: Dimitar Dimitrov APN: 215-290-002
Planning & Building Department Case/File No.: 12590
Road Name: Gibson Creek Rd (complete a separate form for each road)
From Road (Cross street): Briceland Rd
To Road (Cross street): Gibson Creek Rd
Length of road segment: approx. 1 mi. miles Date Inspected: 9/12/2019
Road is maintained by: ☐ County ☒ Other Private Rd
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)
Check one of the following:

- Box 1** ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.
- Box 2** ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

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

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

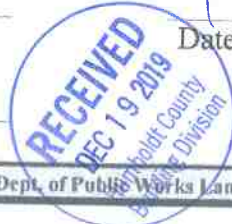
The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

Dimitar Dimitrov

Name Printed

Date



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



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9640
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

ROAD EVALUATION REPORT INSTRUCTIONS

PURPOSE: The *Road Evaluation Report* is intended as a way for an applicant to document the condition of the access road(s) serving the subject property for cannabis projects that require a Conditional Use Permit (CUP) or Special Permit (SP). This report is not intended to be used for any other type of Planning & Building Department permit application. This will enable Public Works staff to determine if the existing roadway network [excluding on-site driveway(s)] is suitable to accommodate the proposed use on the subject property.

In rural areas, a category 4 road is usually adequate for most uses. If the road is paved and has a centerline stripe it is considered by the Department to be a category 4 road. In urban and suburban areas, the road may also need to accommodate other road users (pedestrians, bicycles, equestrians, etc.). When roads meet or exceed this standard, the roadways can typically accommodate increased traffic. This evaluation is accomplished by the applicant completing Part A of the *Road Evaluation Report*.

When the roadways do not meet a category 4 standard, there is a question that road may not be able to accommodate traffic from the proposed use. The goal is to evaluate roads that do not meet road category 4 standards in order to determine if the roads can accommodate increased traffic. This evaluation is accomplished by the applicants engineer completing Part B of the *Road Evaluation Report*.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. A neighborhood traffic management plan may include (but is not limited) the following elements: restricting the times that project traffic will use the road to off-peak hours; combining trips to reduce the volume of project traffic; carpooling to reduce the volume of project traffic; the use of signs and CB radios to coordinate traffic using the road(s); etc. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, and other cannabis projects using the road, etc.); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

There may be other cannabis projects that use the same access road(s) as your project. Part B of the *Road Evaluation Report* needs to address the cumulative impacts from your project and all other cannabis projects that will also use the same road(s). There may be benefits of applicants collectively working together with one engineer to complete the *Road Evaluation Reports* for all of the projects.

(continued on next page)



REFERENCES:

- Humboldt County *Road Design Manual*, Chapter 7, Design Standards for Roadway Categories.
- American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)*.
- American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (AKA "Green Book")
- Institute of Transportation Engineers (ITE) *Trip Generation*

INSTRUCTIONS: The *Road Evaluation Report* consists of two parts. The first part (Part A) may be completed by the applicant. If the second part (Part B) is needed, it must be completed by a Civil Engineer licensed by the State of California. The .pdf version of this document provides fields that can be filled in.

A separate *Road Evaluation Report* is required for each road. **Save Time: before completing these forms consult with the Land Use Division at 707.445.7205 to make sure you are evaluating all of the necessary roads for your project; that other cannabis projects in the vicinity have been included; and to make sure that you understand what is needed.**

Special instructions to the applicant's Civil Engineer in completing Part B:

- Engineer will need to contact the Department for a list of other cannabis projects that may be using all or some of the same roads in the roadway network.
- Engineer will need to determine which of these projects utilize the roads within the same roadway network by personally reviewing the cannabis project applications at the Planning & Building Department. Many of the cannabis project applications are incomplete; therefore the engineer may need to directly contact other applicants to determine how these other cannabis projects will utilize the roads in question.
- Engineer may propose a master plan in which any required roadway improvements are incrementally divided among several cannabis projects. However, the master plan must be designed so that improvements to the road(s) will be adequate when constructed incrementally.

// END //

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		No Response	
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	Comments	Attached
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band	✓	Conditional Approval	Attached
Intertribal Sinkiyone Wilderness Council		No Response	
California Department of Fish & Wildlife		No Response	Attached – staff request for CDFW comments
Whitethorn Fire Protection District		No Response	
Southern Humboldt Joint Unified School District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
North Coast Regional Water Quality Control Board		No Response	
State Water Resources Control Board – Division of Water Rights		No Response	



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
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SECOND & L ST., EUREKA
FAX 445-7409

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NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
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 *KA*

DATE: *5-04-2018*

RE:

Applicant Name	<i>White-thorn Valley Farms, LLC</i>
APN	<i>215-291-002</i>
APPS#	<i>12590 CUP16-760, SP17-094</i>

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 item 4 on Exhibit "C".

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12590

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

// END //

Additional Review is Required by Planning & Building Staff

APPS # 12590

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.

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? ☐ YES ☐ NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
 - If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
 - If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
 - If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO or NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? ☐ YES ☐ NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //

Exhibit "D"

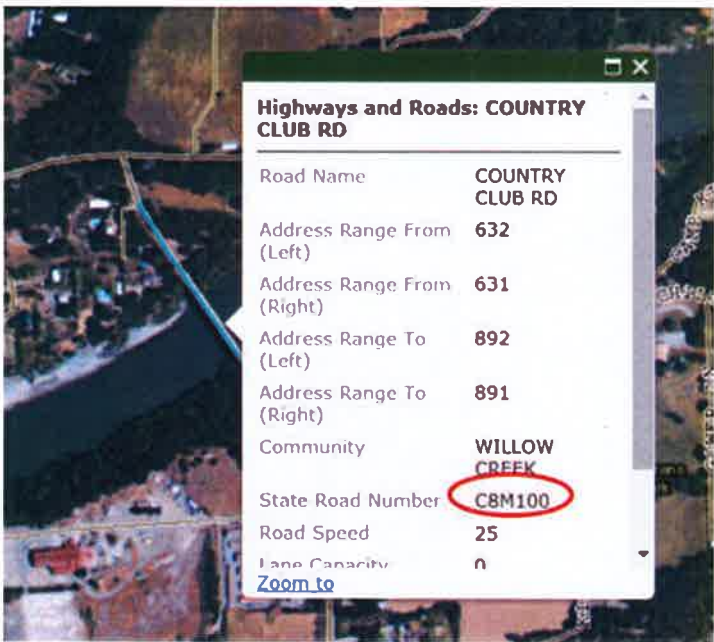
Road Evaluation Reports

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

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

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

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



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

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

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

Examples:

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

Exhibit "D"

Road Evaluation Reports

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

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

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

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

Exhibit "D"

Road Evaluation Reports

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

// END //

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: October 2, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Whitethorn Valley Farms, LLC
APN: 215-291-002-000
Area: Whitethorn
Case Numbers: CUP16-760, SP17-094

Humboldt County Application #: 12590
Type of Application: Conditional Use Permit, Special Permit
Date Received: 9/22/2017
Due Date: 10/5/2017

Project Description: A Conditional Use Permit for an existing 12,060 square foot (SF) cannabis cultivation operation is requested. A Special permit is for work completed within a Stream Management Area (SMA). Two thousand eight hundred ten (2,810) SF is mixed-light in three (3) greenhouses; however, Applicant proposes relocation and consolidation of the mixed-light greenhouses to one (1) greenhouse adjacent to the existing 9,250 SF outdoor cultivation area. Irrigation water is sourced from an on-site spring diversion and off-site stream diversion within an SMA. Total water storage is 200,000 gallons in hard tanks and storage bladders. Processing is done on-site in an existing shop and Applicant proposes a new 30' x 70' processing center. Pacific Gas & Electric provides power to the operation.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

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

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

From: [Lake, M. Isaac@CALFIRE](mailto:Lake.M.Isaac@CALFIRE)
To: [Planning Clerk; HUU.CEOA@CALFIRE](mailto:Planning.Clerk@HUU.CEOA@CALFIRE)
Subject: APN: 215-291-002-000 Whitethorn Valley Farms, LLC APPS# 12590
Date: Sunday, November 05, 2017 10:19:36 AM

No additional comments from B-1211 other than: any artificial light being used shall not escape at a level that is visible from neighboring properties.

M. Isaac Lake

Battalion Chief

CAL FIRE

HUMBOLDT-DEL NORTE UNIT

Battalion 1

Alderpoint~Garberville~Thorn

Cell (707) 499-2249

Office (707) 923-3446

Schedule Thrs, Fri, Sat

MLake@fire.ca.gov



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

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, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sinkyone, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Whitethorn Fire Protection District, Southern Humboldt Joint Unified School District

Applicant Name Whitethorn Valley Farms, LLC Key Parcel Number 215-291-002-000

Application (APPS#) 12590 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) CUP16-760
SP17-094

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

1. **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system (OWTS) adequate to support proposed staffing.
2. The approval of an unpermitted OWTS described in the provided Cultivation and Operations plan as serving a residence is **dependent upon demonstration of site suitability** from a Qualified Professional.
3. **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

*Please provide a copy of the written Approved Compliance Agreement to DEH per HCC §313-55.4.11

PLN-12590-CUP Dimitar Dimitrov May 6, 2021 Page 71 of 72
*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: 5/21/2018 Recommendation By: Joey Whittlesey