



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: David J. R. Mack, AICP, Planner (Contract)

Subject: **Babylon Pharms LLC Special Use Permit**
Record Number PLN-12804-SP
Assessor's Parcel Number (APN) 208-341-028
North side of State Highway 36 – 0.5 miles north of intersection of Cobb Road
and State Highway 36 – Section 11 of Township 01 North, Range 05 East,
Humboldt Base Meridian.

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Please contact David J. R. Mack, AICP, Planner (Harris & Associates) at 831-320-0413 or by email at david.mack@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Special Use Permit	David Mack

Project Description: Babylon Pharms LLC seeks approval for a Special Use Permit (PLN-12804-SP) to permit an existing 10,000 square foot (SF) outdoor medical cannabis cultivation, occurring in four (4) greenhouses each measuring 2,500 SF. Propagation occurs in a 2,000-SF nursery.

Irrigation water is sourced from an onsite well. Through the review process it was undetermined if the existing well has been previously permitted; therefore, the applicant has been conditioned to obtain a permit for the well within 18 months (**Condition 16**). The well is not believed to be hydrologically connected to surface water, so it does not require a diversion water right and is not subject to forbearance. Estimated annual water usage is 75,200 gallons (7.52 gallons per SF).

Existing water storage is 23,750 gallons, stored in four (4) 5,000-gallon hard tanks, one (1) 2,500-gallon hard tank, and five (5) 250-gallon tanks onsite.

Trimming and drying will be conducted onsite, and additional processing will occur offsite at a licensed third-party facility. The site or project area is a family farm (2 persons) with minimal employee needs. One to two (1-2) part-time employees will be hired during peak seasonal activities. No lodging will be provided onsite for seasonal employees. Electrical power is provided by two (2) generators, a Honda EU 3000 and Honda EU 7000.

Project Location: The project area (APN 208-341-028) is located on the north side of State Highway 36, 0.5 miles north of the Cobb Road/State Highway 36 intersection (Section 11 of Township 01 North, Range 05 East, Humboldt Base Meridian), near the unincorporated community of Dinsmore in eastern Humboldt County.

Present Plan Land Use Designations: Residential Agriculture (RA) with residential density 20 acres per dwelling unit and Airport Review (AP). Slope Stability: Low Instability (1) and High Instability (3).

Present Zoning: Unclassified (U)

Record Number: PLN-12804-SP

Assessor's Parcel Number: 208-341-028

Applicant

Babylon Pharms LLC
c/o Robin Mammo
205 Law Avenue
Ukiah, CA 95482

Owner

Norcal Realty, LLC
c/o Anarbol Alvarez
705 N State Street
Ukiah, CA 95482

Agents

Margro Advisors
c/o Suzanne Maese
2306 Albee Street
Eureka, CA 95501
info@margroadvisors.com

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: No major issues/concerns were identified for this project.

Babylon Pharms LLC

Record Number: PLN-12804-SP

Assessor's Parcel Number: 208-341-028

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:

Adopt the Resolution to:

1. 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;
2. Make the required findings for approval of the Special Use Permit; and
3. Approve the Babylon Pharms LLC Special Use Permit as recommended by staff subject to the recommended conditions.

Executive Summary Babylon Pharms LLC seeks approval for a Special Use Permit (PLN-12804-SP) to permit an existing 10,000 square foot (SF) outdoor medical cannabis cultivation, occurring in four (4) greenhouses each measuring 2,500 SF. Propagation occurs in a 2,000-SF nursery. The medical cannabis permit application is 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), Zoning Clearance Certificate for Interim Permit (IP), and the Cultivation Area Verification (CAV) developed for the site.

The parcel (APN 208-341-028) measures approximately 17.31 acres, is zoned Unclassified (U), and is designated Residential Agriculture (RA) and Airport Review (AP) in the Humboldt County General Plan.

Existing development onsite includes a generator shed, storage shed, small chicken coop, and 2,000-SF nursery. During the cultivation season, four (4) 2,500-SF temporary greenhouses are set up and used to cultivate the 10,000 SF of outdoor cannabis. The parcel does not contain a residential unit.

Trimming and drying will be conducted onsite, and additional processing will occur offsite at a licensed third-party facility. The project area is a family farm, operated by two (2) persons with minimal employee needs. One to two (1-2) part-time employees will be hired during peak seasonal activities. No lodging will be provided onsite for seasonal employees. Electrical power is provided by two (2) generators, a Honda EU 3000 and Honda EU 7000. Consistent with past actions of the Planning Commission, the project has been conditioned to provide permanent power to the site for all cannabis related activities, either by connecting to a utility provider such as PG&E or converting to an alternative, renewable power source by December 31, 2025 (**Condition 12**).

Water Resources

The project area is located within the Van Duzen River watershed, and there is one Class II watercourse within the parcel. Irrigation water is sourced from an onsite well. Through the review process, it was undetermined if the existing well was permitted; therefore, the applicant has been conditioned to obtain a permit for the well within 18 months (**Condition 16**). The well is not believed to be hydrologically connected to surface water, so it does not require a diversion water right and is not subject to forbearance. Estimated annual water usage is 75,200 gallons (7.52 gallons per SF). The estimated amount of water used for irrigation monthly is shown below.

Jan	Feb	Mar	Apr	May	June
0	0	1,200	2,400	3,300	16,200

July	Aug	Sept	Oct	Nov	Dec
14,100	15,500	15,000	7,500	0	0

Existing water storage is 23,750 gallons, stored in four (4) 5,000-gallon hard tanks, one (1) 2,500-gallon hard tank, and five (5) 250-gallon tanks onsite.

A Site Management Plan (SMP) was developed to establish the applicant's compliance with the State Water Resources Control Board (SWRCB) Order 2017-0023-DWQ, to protect the water resources within the project area. The SMP includes annual site inspection, monitoring, and reporting of Tier 1 discharges that will be submitted by March 31st of each year to the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant shall follow the Best Management Practices (BMPs) listed in Attachment A of the SWRCB Order, to minimize any adverse effects to water quality caused by cannabis cultivation.

The applicant applied for a Lake and Streambed Alteration Agreement (LSAA) (1600-2019-0086-R1) in February 2019, due to the Class II onsite watercourse. There are two stream crossing culverts on the parcel. An overview of the stream crossings are shown in Table 3 of the SMP and below for reference.

Label	Size (inches)	Type	Watercourse Class	Condition
Culvert 1	12"	Corrugated Metal Pipe	Class II	Good
Culvert 2	12"	Corrugated Metal Pipe	Class III	Good

Per the letter issued by the California Department of Fish and Wildlife (CDFW), the LSAA was deemed complete by law due to inaction by the Department within the 30-day review period. Furthermore, the Department missed the 60-day deadline (May 12, 2019) to submit a draft LSAA to the applicant, and determined the applicant "*may now complete the project as described in your notification without an Agreement.*" The notification specifically allows use of the water well for commercial irrigation and use of the stream crossings.

Biological Resources

A list of potential special status species was generated in March 2021, using the following information systems: CDFW California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), and Northern Spotted Owl Viewer (CDFW 2021); and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). No special status species were identified within the project area. The closest special status species is the yellow-legged frog, a state-listed endangered species presumed to be extant, approximately 4,000 feet from the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.

Tribal Cultural Resource Coordination

A records search for known cultural resources was requested from the Northwest Information Center (NWIC). The results indicated that a prior study (#S-17461, Johns 1968) had been completed and covered 30% of the project area, and no cultural resources were identified. However, the NWIC recommended contacting local Native American Tribes to ensure project activities are outside Tribal Territories. The Bear River Band of the Rohnerville Rancheria was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 10**).

Road Way Evaluation/Access

The project area (APN 208-341-028) is located on the north side of State Highway 36, 0.5 miles north of the Cobb Road/State Highway 36 intersection (Section 11 of Township 01 North, Range 05 East, Humboldt Base Meridian), near the unincorporated community of Dinsmore in eastern Humboldt County. The Humboldt County Department of Public Works (DPW) reviewed the project and requested that a road evaluation report be prepared for Cobb Road. On January 20, 2018, a "Roadway Evaluation from Cobb Road from Rattlesnake Bridge to APN 208-341-016" was prepared by DTN Engineering & Consulting (David Nicoletti, P.E, DNT Engineering and Consulting). The existing roadway is located in a Streamside Management Area (SMA) with hilly terrain and high seismic instability. There are no historic landslides and no grades exceeding 15%. Mr. Nicoletti determined that Cobb Road is not in compliance as a category 4 roadway, but with road improvements can be upgraded to the category 4 standard.

Cobb Road has the following issues that need to be addressed: 1) Inadequate drainage causing erosion from graded flats above the road; 2) Vegetation cleared with improper slope stabilization; 3) Undersized culverts; 4) Clogged drainage ditches; and 5) Multiple ponding locations. The road is 18 feet wide (below the 20-foot standard width), with little to no shoulder, and not all curve locations have pull outs. Mr. Nicoletti provided a detailed analysis of recommended mitigation measures to address these issues (Road Evaluation Report, Summary & Recommendations, pages 8-10). The construction activities associated with the road improvement measures would require Humboldt County design review, permitting, site surveys, and a geotechnical evaluation. Communication with the applicant's agent on March 23, 2021, indicated that the road improvement activities are planned to be completed during the summer of 2021. The applicant is conditioned to implement the above stated corrective measures within the next six (6) months, and ensure that Humboldt County signs off on the design process (**Condition 9**).

The Humboldt County Department of Public Works (DPW) reviewed the project and determined that the entire road segment is located within the State Responsibility Area, and re-referred the project to Caltrans District 1. Caltrans District 1 recommended that the applicant obtain 1) proof of access easement and ability to obtain a valid encroachment permit; and 2) verification that the road approach to Rattlesnake Bridge Road meets commercial standards. These recommendations have been added to the project as conditions of approval (**Condition 17**).

Federal Aviation Administration (FAA) Review

The project area is located near the Dinsmore Airport (2.1 miles), thus an Airport Approach Zone Building Height Limitation survey is required. The project area was surveyed on July 17, 2019, by Karen McDonald of the Federal Aviation Administration (FAA) Obstruction Evaluation Group (Aeronautical Study No. 2019-AWP-7276-OE). The study concluded that the evaluated structure (chicken coop) does not exceed obstruction standards, and does not present a hazard to air navigation. The applicant is not required to implement marking or lights on the chicken coop.

Generator Use

The application is for outdoor cannabis cultivation, and the applicant uses generators as the primary power source. Consistent with past actions of the Planning Commission, the project has been conditioned to provide permanent power to the site for all cannabis related activities, either by connecting a utility provider such as PG&E or converting to an alternative, renewable power source by December 31, 2025 (**Condition 12**).

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in March 2021. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) that was adopted for the CMMLUO, and thus has prepared an addendum to the MND for consideration by the Zoning Administrator (See **Attachment 2** for more information).

RECOMMENDATION:

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; 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-X

Record Number: PLN-12804-SP

Assessor's Parcel Number: 208-341-028

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the owner, Babylon Pharms LLC, Special Use Permit.

WHEREAS, Norcal Realty, LLC ("Owner") and Babylon Pharms LLC ("Applicant") submitted an application and evidence in support of approving the Special Use Permit (PLN-12804-SP) for the continued operation of an existing 10,000 square foot (SF) outdoor medical cannabis cultivation, occurring in four (4) greenhouses each measuring 2,500 SF. Propagation occurs in a 2,000-SF nursery;

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **May 6, 2021**, and reviewed, considered, and discussed the application for the requested Special Use 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 for a Special Use Permit (PLN-12804-SP) for the continued operation of an existing 10,000 SF outdoor medical cannabis cultivation, occurring in four (4) greenhouses each measuring 2,500 SF. Propagation occurs in a 2,000- SF nursery. Electrical power is provided by two (2) generators, Honda EU 3000 and Honda EU 7000. Irrigation water is sourced from an onsite well.

EVIDENCE: Project File: PLN-12804-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act (CEQA) have been met. The Humboldt County Zoning Administrator has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum to the MND prepared for the proposed project in compliance with CEQA.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A list of potential special status species was generated in March 2021, using the following information systems: California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), and Northern Spotted Owl Viewer (CDFW 2021); and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). No special status species were identified as being within the project area. The closest special status species is the yellow-legged frog, a state-listed endangered species presumed to be extant, approximately 4,000 feet from the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.
- d) A Site Management Plan (SMP) was prepared by Margo Advisors to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and protect the water quality of the Class III waterway within the project area.
- e) A records search for known cultural resources was requested from the Northwest Information Center (NWIC). The results indicated that a prior study (#S-17461, Johns 1968) had been completed and covered 30% of the project area, and no cultural resources were identified. However, the NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 10**).

FINDINGS FOR SPECIAL USE PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the 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.

- b) The project area is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within a SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control). The proposed project was designed with mitigation features, including: 1) Cultivation is sited to avoid activity within the stream channel; and 2) All cultivation areas will not be located on slopes.

4. FINDING

The proposed development is consistent with the purposes of the existing Unclassified (U) zoning district.

EVIDENCE

- a) Unclassified (U) zoned parcels are intended to be combined with any principal zone, consistent with cultivation activities within the project area.
- b) 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 Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 10,000 SF of existing outdoor medical cannabis cultivation, occurring in four (4) greenhouses each measuring 2,500 SF on a 17.92-acre parcel, is consistent with the Humboldt County Code 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 Agricultural General (AG) (HCC 314-55.4.8.2.2).
- b) The parcel in its current configuration was created in compliance with all applicable state and local subdivision regulations, as part of a recorded subdivision map (Lot 4, Tract 289, 019 RM/Map 027), and has a recorded certificate of compliance (2004-10412).
- c) Irrigation water is sourced from an onsite well. Through the review process, it was undetermined if the existing well was permitted; therefore, the applicant has been conditioned to obtain a permit for the well within 18 months (**Condition 16**). The well is not believed to be hydrologically connected to surface water, so it does not require a diversion water right and is not subject to forbearance. Estimated annual water usage is 75,200 gallons (7.52 gallons per SF).
- d) The slope of the land where cannabis will be cultivated is less than

15%.

- e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The existing cultivation of 10,000 SF of cannabis and the conditions under which it may be operated and maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is accessed by a road that has been assessed by David Nicoletti, P.E. of DNT Engineering & Consulting, and is described in the Roadway Evaluation (1/20/2018). All roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are hydrologically disconnected to receiving waters. Mr. Nicoletti determined that Cobb Road is not in compliance as a category 4 roadway, but with road improvements can be upgraded to the category 4 standard. Cobb Road has the following issues that need to be addressed: 1) Inadequate drainage causing erosion from graded flats above the road; 2) Vegetation cleared with improper slope stabilization; 3) Undersized culverts; 4) Clogged drainage ditches; and 5) Multiple ponding locations. The construction activities associated with the road improvement measures would require Humboldt County design review, permitting, site surveys, and a geotechnical evaluation. Communication with the applicant's agent on March 23, 2021, indicated that the road improvement activities are planned to be completed in the summer of 2021. The applicant is conditioned to implement the above stated corrective measures within the next 6 months, and ensure that Humboldt County signs off on the design process (**Condition 9**).
- b) The existing cannabis cultivation will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites, which have been approved or are in the application process, will not change the character of the area due to the large parcel sizes in the area.
- c) The location of the existing cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) Estimated annual water usage is 75,200 (7.52 gallons/SF).
- e) Existing water storage is 23,750 gallons, stored in four (4) 5,000-gallon hard tanks, one (1) 2,500-gallon hard tank, and five (5) 250-gallon tanks.
- f) Provisions have been made in the applicant's Site Management Plan

(SMP) to protect water quality through yearly site inspection, monitoring, and reporting to the North Coast Regional Water Quality Control Board (NCRWQCB). The SMP includes annual site inspection, monitoring, and reporting of Tier 1 discharges that will be submitted annually to the NCRWQCB.

The applicant shall follow the Best Management Practices (BMPs) listed in Attachment A of the SWRCB Order, to minimize any adverse effects to water quality caused by cannabis cultivation. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.

7. FINDING

The existing 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 currently does not contain a residential unit. The approval of cannabis cultivation on this parcel will not conflict with or reduce the residential density of the subject parcel.

DECISION

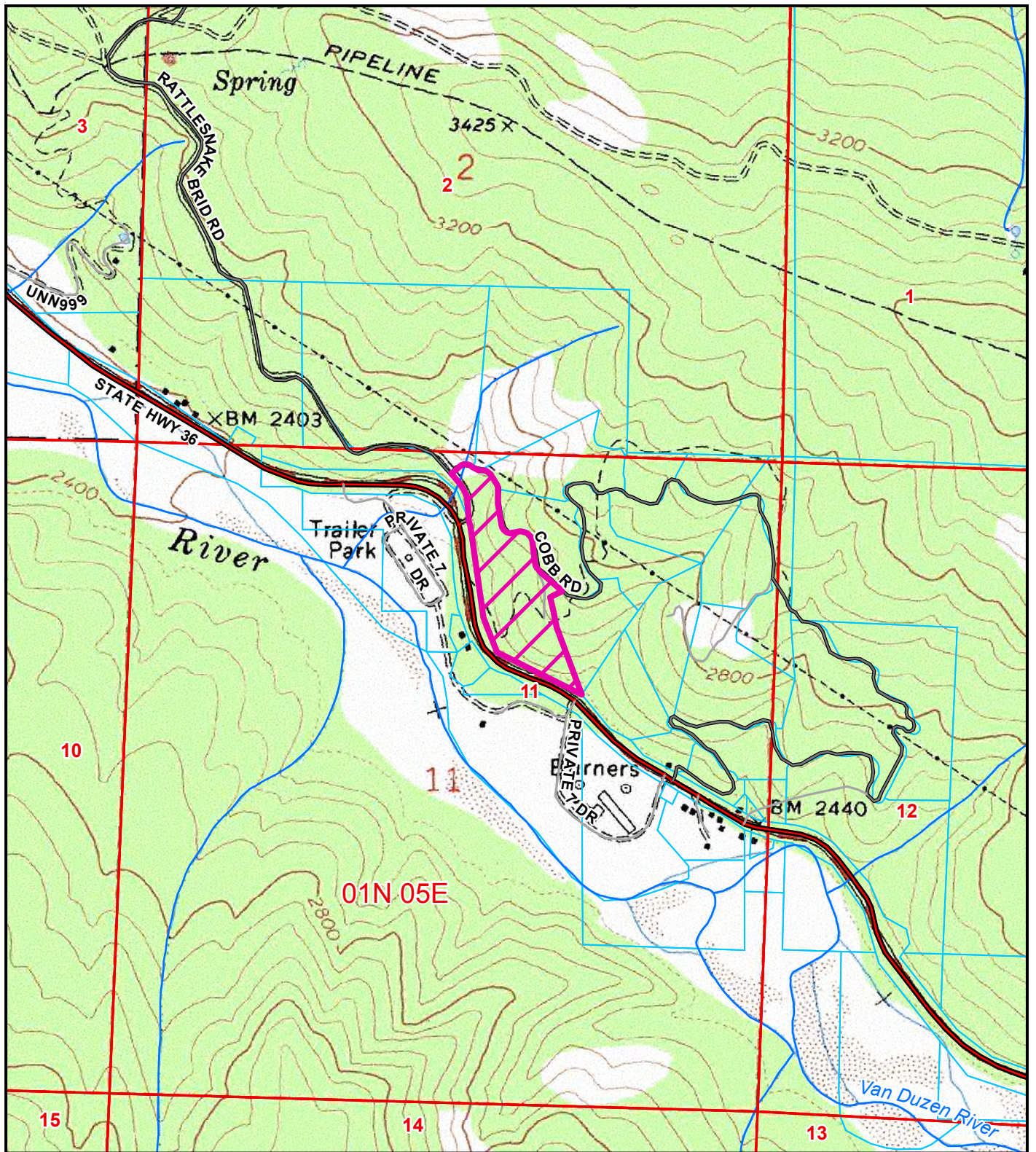
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Special Use Permit (PLN-12804-SP) for Babylon Pharms LLC, 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 Commission at a meeting held on the date noted above.

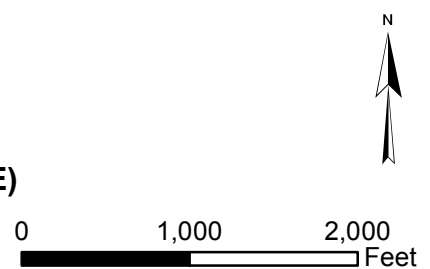
John Ford, Zoning Administrator,
Planning and Building Department

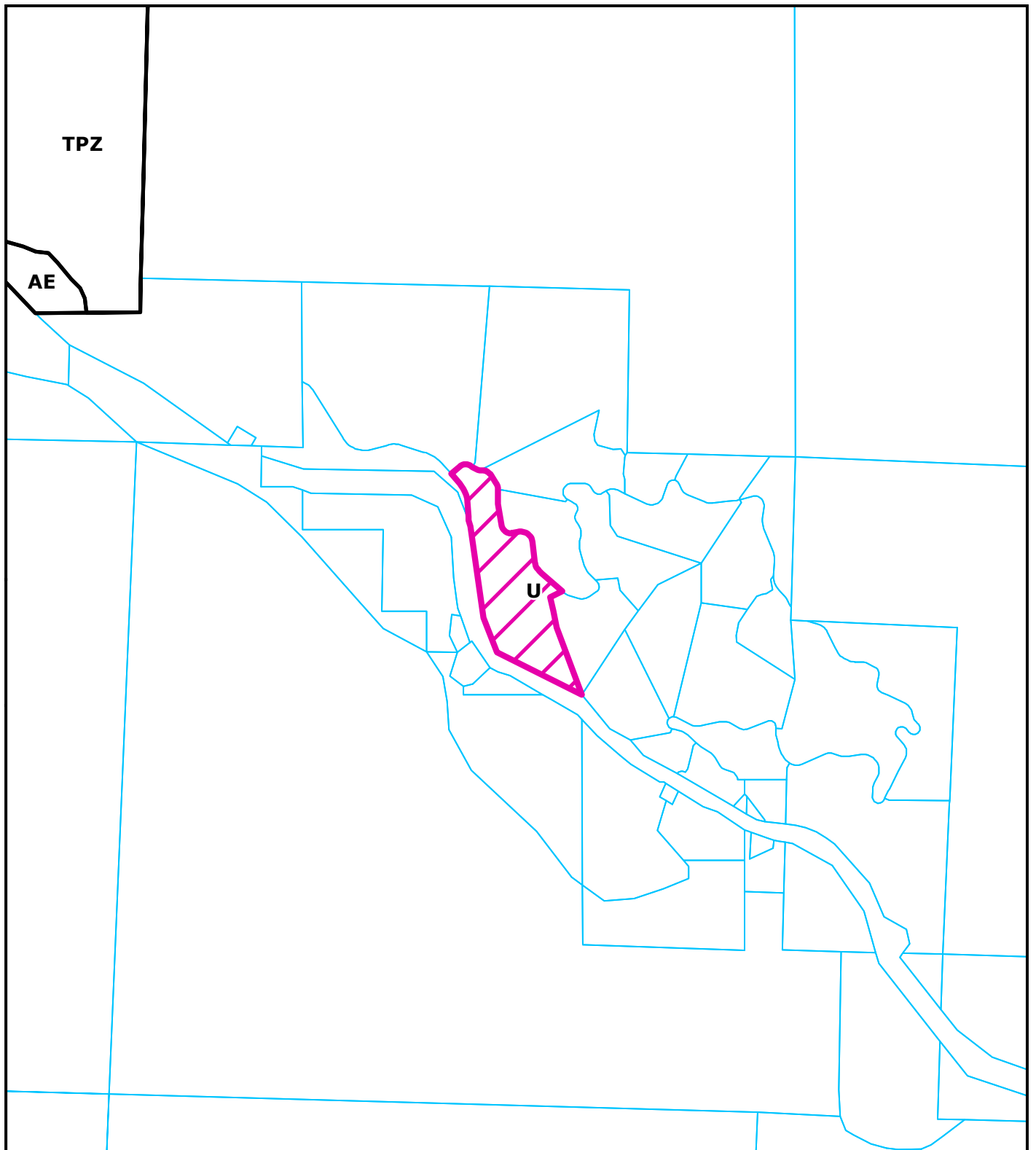


Project Area = 

TOPO MAP
PROPOSED LAWRENCE NEELY
DINSMORE AREA
SP-16-652
APN: 208-341-028
T01N R05E S11 HB&M (DINSMORE)

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





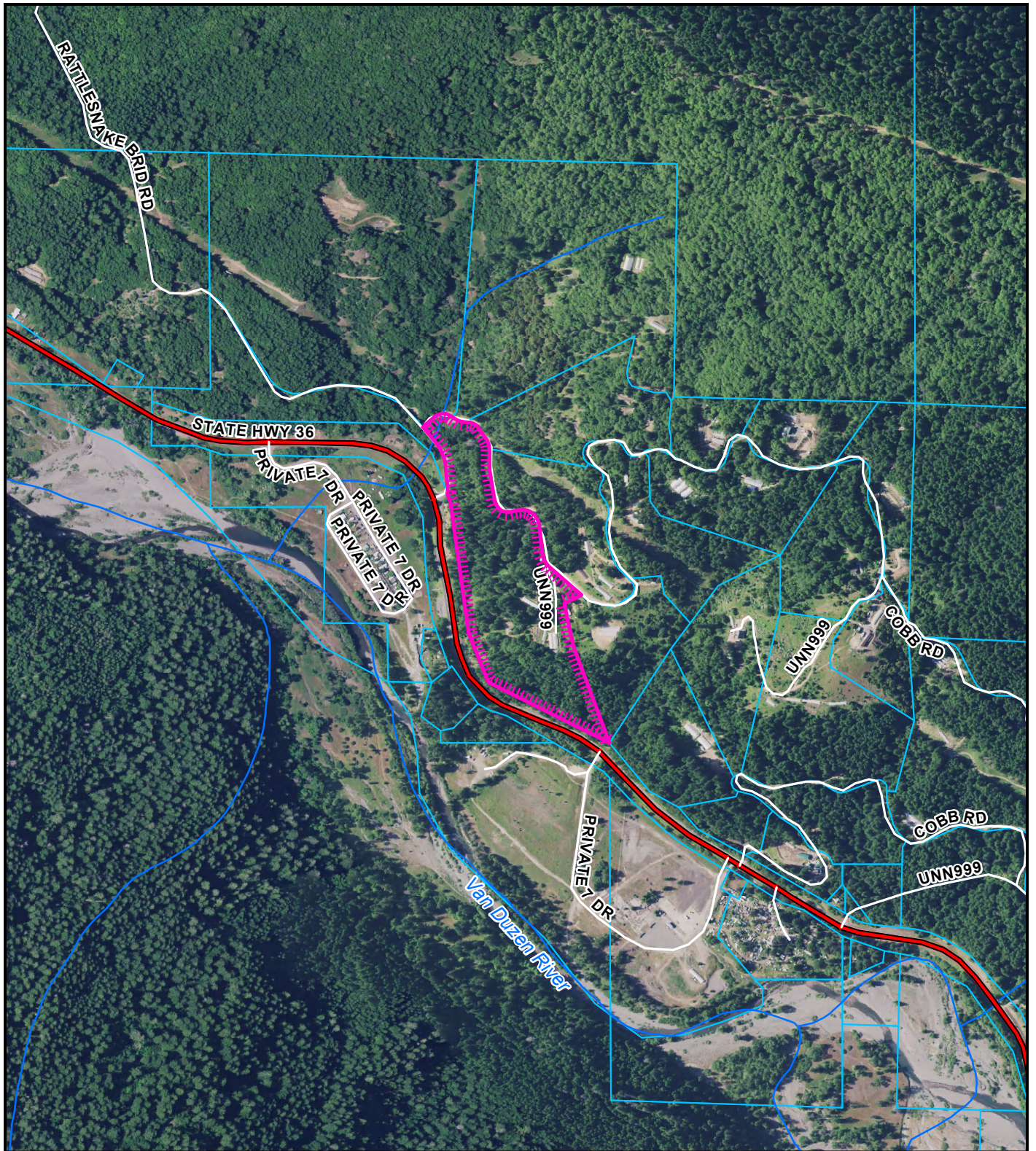
Project Area = 

**ZONING MAP
PROPOSED LAWRENCE NEELY
DINSMORE AREA
SP-16-652
APN: 208-341-028
T01N R05E S11 HB&M (DINSMORE)**



0 1,000 2,000
Feet

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



Project Area = 

**AERIAL MAP
PROPOSED LAWRENCE NEELY
DINSMORE AREA
SP-16-652
APN: 208-341-028
T01N R05E S11 HB&M (DINSMORE)**

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

0 1,000 2,000 Feet



Babylon Pharms
APN: 208-341-028

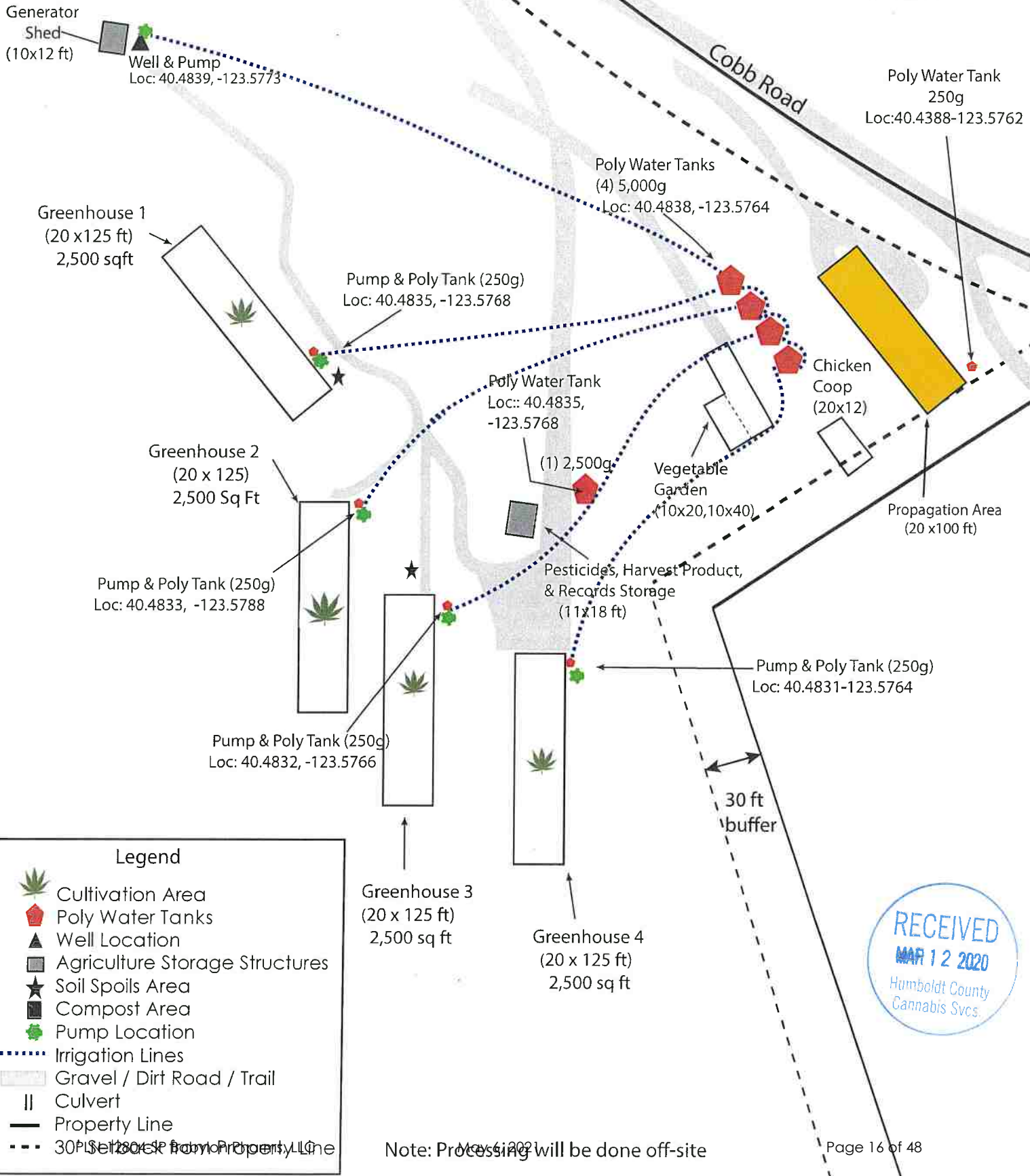
Total Cultivation: 10,000 Sq Ft

12804



100 Feet

Scale



Legend

- Cultivation Area
- Poly Water Tanks
- Well Location
- Agriculture Storage Structures
- Soil Spoils Area
- Compost Area
- Pump Location
- Irrigation Lines
- Gravel / Dirt Road / Trail
- Culvert
- Property Line
- 30' Setback from Property Line



Note: Processing will be done off-site

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the 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 Planning and Building 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 #18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.
7. The applicant shall comply with all mitigation measures set forth in the Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) and shall implement all corrective actions detailed/required within the LSAA. The proposed corrective actions include upgrading the failing and undersized culverts and installing a new road crossing, and the construction activities include: excavation, removal of the failing culverts, replacement with new and properly sized culverts, backfilling and compaction, and rock armoring to minimize erosion.

Upon completion of the proposed construction activities that are to take place within the waterways of the project area, a letter or similar communication from CDFW verifying that all their requirements have been met will satisfy this condition.

8. Prior to renewal of the permit, the operator is required to submit to the Department of Environmental Health (DEH), receipts or copy of contract confirming sufficient use of portable toilets to serve staff for the duration of the first year, or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the addition of an onsite wastewater treatment system serving the dwelling (Department of Environmental Services).
9. The applicant shall implement road improvement measures within 6 months of permit approval to bring Cobb Road up to the Category 4 standard. Improvements are detailed within the Road Evaluation Report and include addressing the following issues: 1) Inadequate drainage causing erosion from graded flats above the road; 2) Vegetation cleared with improper slope stabilization; 3) Undersized culverts; 4) Clogged drainage ditches; and 5) Multiple ponding locations. The road is 18 feet wide (below the 20-foot standard width) with little to no shoulder, and not all curve locations have pull outs.
10. The applicant shall implement the Inadvertent Discovery Protocol. In the event of an accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
11. Obtain a permit to operate the two (2) gasoline generators, one (1) Honda EU 7000 and one (1) Honda EU 3000, from the North Coast Unified Air Quality Management District (NCUAQMD).
12. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2025. The applicant shall either connect to a utility provider such as PG&E or convert to an alternative, renewable power source starting January 1, 2026.
13. The applicant shall contact the Bridgeville Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, 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 and Building Department. 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.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
15. The applicant shall execute and file with the Planning and Building Department 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.
16. The Owner/Applicant/Operator shall obtain a well permit from Humboldt County within 18 months of permit approval (October 6, 2022). In the event the existing well is not able to be properly permitted, the special use permit shall become invalid unless a new well or irrigation source is developed prior to October 6, 2022, unless the time frame is extended by Humboldt County.
17. The Owner/Applicant/Operator shall obtain 1) proof of access easement and ability to obtain a valid encroachment permit, and 2) verify that the road approach to Rattlesnake Bridge Road meets commercial standards. Evidence of these requirements shall be submitted to Humboldt County and

Caltrans for review and approval. This condition shall be satisfied within 12 months of project approval (May 6, 2022), unless extended by either CalTrans or Humboldt County by mutual agreement.

18. Within 6 months of permit approval (October 6, 2021), the Owner/Applicant/Operator shall have the parcel surveyed by a professional land surveyor to ensure that operations are not trespassing upon or causing impacts to surrounding federal lands. The survey shall be submitted to Humboldt County for review and consideration.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United 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 (i.e., through the use of 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 (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) 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) be placed only where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the 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.
5. All refuse shall be contained in wildlife proof storage containers at all times and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the

Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

9. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any 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.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. 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.
12. The permittee shall have possession of a current, valid required license or licenses, issued by any agency of the State of California in accordance with the MAUCRSA and the regulations promulgated thereunder, as soon as such licenses become available.
13. The permittee shall be in 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.
14. The permittee shall ensure 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).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from CDFW.
17. The permittee shall 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.
18. The permittee shall consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
20. 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.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled, and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall 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

24. Pursuant to the Medical Cannabis Regulation and Safety Act (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."
25. 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).
26. 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.
27. 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.
28. 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; and
 - i. On-site housing, if any.
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit 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.
30. 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 re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection 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.
31. 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.
32. 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.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- a. Identifying information for the new owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the 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 #B.11 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 #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 208-341-028, North side of State Highway 36 – 0.5 miles north of the intersection of Cobb Road and
State Highway 36, Dinsmore, Ca 95526
County of Humboldt**

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

March 2021

BACKGROUND

Purpose of Addendum

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.

Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a "project" under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted, in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

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 and 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. 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." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

Modified Project Description

Babylon Pharms LLC seeks approval for a Special Use Permit (PLN-12804-SP) to permit an existing 10,000

square foot (SF) outdoor medical cannabis cultivation, Occurring in four (4) greenhouses each measuring 2,500 SF. Propagation occurs in a 2,000-SF nursery. Trimming and drying will be conducted onsite, with additional processing occurring offsite at a licensed third-party facility as necessary. The project area is a family farm, operated by two (2) persons with minimal employee needs. One to two (1-2) part-time employees will be hired during peak seasonal activities. No lodging will be provided onsite for seasonal employees. Electrical power is provided by two generators, a Honda EU 3000 and Honda EU 7000.

Irrigation water is sourced from an onsite well. Through the review process, it was undetermined if the existing well has been previously permitted; therefore, the applicant has been conditioned to obtain a permit for the well within 18 months (**Condition 16**). The well is not believed to be hydrologically connected to surface water, so it does not require a diversion water right and is not subject to forbearance. Estimated annual water usage is 75,200 gallons (7.52 gallons per SF). Existing water storage is 23,750 gallons, stored in four (4) 5,000-gallon hard tanks, one (1) 2,500-gallon hard tank, and five (5) 250-gallon tanks.

A Site Management Plan (SMP) was developed to establish the applicant's compliance with the State Water Resources Control Board (SWRCB) Order 2017-0023-DWQ, to protect the water resources within the project area. The SMP includes annual site inspection, monitoring, and reporting of Tier 1 discharges that will be submitted by March 31st of each year to the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant shall follow the Best Management Practices (BMPs) listed in Attachment A of the SWRCB Order, to minimize any adverse effects to water quality caused by cannabis cultivation.

The applicant applied for a Lake and Streambed Alteration Agreement (LSAA) (1600-2019-0086-R1) in February 2019, due to the Class II onsite watercourse. There are two stream crossing culverts on the parcel. Per the letter issued by the California Department of Fish and Wildlife (CDFW), the LSAA was deemed complete by law due to inaction by the Department within the 30-day review period. Furthermore, the Department missed the 60-day deadline (May 12, 2019) to submit a draft LSAA to the applicant, and determined the applicant "*may now complete the project as described in your notification without an Agreement.*" The notification specifically allows use of the water well used for commercial irrigation and use of the stream crossings.

A list of potential special status species was generated in March 2021, using the following information systems: CDFW California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), and Northern Spotted Owl Viewer (CDFW 2021); and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). No special status species were identified within the project area. The closest special status species is the yellow-legged frog, a state-listed endangered species presumed to be extant, approximately 4,000 feet from the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with mitigation measures in place are considered low and unlikely.

A records search for known cultural resources was requested from the Northwest Information Center (NWIC). The results indicated that a prior study (#S-17461, Johns 1968) had been completed and covered 30% of the project area, and no cultural resources were identified. However, the NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria was contacted and responded that the Inadvertent Discovery Protocol should be implemented, in case there is accidental discovery of previously unidentified historical artifacts or human remains (**Condition 10**).

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.

Summary of Significant Project Effects and Required Mitigation

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the continued operation of an existing 10,000-SF outdoor medical cannabis cultivation site and a 2,000-SF ancillary nursery 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 significant 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 Margro Advisors, dated March 12, 2020
- Cultivation and Operations Plan prepared by Applicant of Babylon Pharms LLC, report dated November 2019 and received December 4, 2019
- Site Management Plan prepared by Margro Advisors, dated September 10, 2019 and received December 4, 2019
- Road Evaluation by DNT Engineering & Consulting, received December 4, 2019
- CNDDDB Biological Resources Search conducted by Alec Barton of Harris & Associates, March 4, 2021
- Lake and Streambed Alteration Application for California Department of Fish and Wildlife, (Notification No. 1600-2019-0086-R1), dated June 19, 2019
- Bear River Tribal Band email communication, dated March 19, 2019
- North West Information Center (NWIC) records search, dated February 13, 2018
- USDA Forest Service Inter-Departmental review letter, dated August 29, 2018
- Humboldt County Department of Public Works Inter-Departmental review, report dated and received August 17, 2018

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.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Babylon Pharms LLC, would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO 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, Babylon Pharms LLC. 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. **(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. (Site Plan prepared by Margro Advisors, dated March 12, 2020, **Attached**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water source, storage, irrigation plan, conservation, and projected use; drainage, runoff and erosion control; watershed and habitat protection; and storage of fertilizers, pesticides, and other regulated products to be used on the parcel. A description of cultivation activities (outdoor, indoor, mixed light); the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable; and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Applicant of Babylon Pharms LLC, report dated November 2019 and received December 4, 2019, **On file**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. **(Not Applicable)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan - **see item 4 above**)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan prepared by Margro Advisors, September 10, 2019 and received December 4, 2019– **On file**)
8. If any onsite or offsite component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Lake and Streambed Alteration Permit (No. 1600-2019-0086-R1) 6/19/2019) obtained from the California Department of Fish and Wildlife **(On file)**
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, identification of the source of electrical power, how it will meet the energy requirements in Section 55.4.8.2.3, and the plan for compliance with applicable building codes. **(Not applicable)**
13. Acknowledgment 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. Acknowledgment 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)**

Cultivation Plan

Parcel # 208 341 028 / APP# 12804



The following plan describes the general operations for managing a 10,000 sq ft outdoor cultivation site.

1. Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, from 300 gallons twice a week to 500 per day in summer months. Details of the grower's cultivation and water usage is outlined below.

Water used for cannabis cultivation is sourced from an onsite well that is believed to be hydrologically disconnected. A pump directs water from the well to a storage tank for irrigation. The site has the capacity to store 22,500 gallons of water. Gravity directs waterflow from the tanks through the irrigation lines. All irrigation is dispersed manually.

During the beginning of the grow season, clones are watered two to three times a week as needed. Once fully planted, irrigation increases to every day. Carefully managed irrigation, with immediate oversight, along with straw mulch are used to reduce the possibility of irrigation runoff.

The following provides an estimate of monthly irrigation use in gallons:

1.a. Water USE by month

Jan	Feb	Mar	Apr	May	June
0	0	1,200	2,400	3,300	16,200

July	Aug	Sept	Oct	Nov	Dec
14,100	15,500	15,000	7,500	0	0

2. Watershed Protection

To protect nearby watershed areas and nearby habitat the site is managed to meet standard conditions and follow best practices in accordance with guidelines provided by the State Water Resources Control Board (SWRCB). These practices address erosion control and drainage

features, spoils management, water storage and use, irrigation runoff, fertilizers and pesticides, and stream and wetland buffers when applicable.

The most active steps for the site include:

- Ongoing mulch covering for water retention
- Usage of vegetative ground cover for added sediment control

The parcel has one Class II onsite watercourse. The cannabis cultivation does not impose on any setbacks as required in the State Water Resources Control Board (SWRCB) specifications.

The site is enrolled in the SWRCB Waiver of Waste Discharge as a Tier I Discharger. The cultivation site includes a Site Management Plan (SMP) for the property. A copy of the SMP is kept onsite for ongoing site management and regulatory inspections.

3. Power Source

The site uses a Honda EU 3000 and a Honda EU 7000 gasoline generator for electricity, when needed. Average use is up to 6.3kWh per day depending on the need for and duration of ventilation, and use of farming equipment. As the generators are rated by the manufacturer under 60dB, they meet perimeter noise restrictions required by environmental regulations.

4. Onsite Structures

Currently onsite, there are a generator shed, storage shed, small chicken coop, and a 2,000 sq ft nursery. During the season up to four temporary greenhouses of 2,500 sq ft are set up.

5. Materials Storage

Currently there are primarily natural fertilizers utilized in the cultivation process and include:

- Humboldt Nutrients Verde
- Botanicare Cal-mag 2-0-0
- Liquinox B-12
- General Hydroponics Bio Root
- General Hydroponics Maxi Grow 16-16-16
- Advanced Nutrients Bud Blood 0-10-6
- Open Sesame 0-45-19
- Age Old Nutrient Liquid Bloom 5-10-5
- Terpinator Botanical Plant Oil 0-0-4
- Liquid Carbo Load

The primary pesticide used to control mites and powdery mildew is:

• Central Coast Garden Products Green Cleaner

A dedicated, secure, and fully contained shed will be used for the storage of all amendments. Materials are kept in their original containers with product labels in place and legible. Appropriate Material Safety Data Sheets (MSDS) are kept onsite as a component of the cultivator's SMP

Upto to 25 gallons of fuel will be stored within an onsite shed with secondary containment, along with a Spill Prevention, Countermeasures, and Cleanup (SPCC) kit. As a safety measure, kits provide a supply of clean-up materials in the event of accidents, and are kept within fuel storage areas.

6. Waste Management

Unusable plant waste is composted. Other solid waste is stored in 50 gallon containers with covers, and are transported to the Van Duzen Transfer Station site, on a weekly basis. Materials intended for reuse are stored in a clean and safe manner to be managed and reused as needed.

No septic system currently exists onsite. The domestic wastewater generated at the site is a chemical toilet. The wastewater is disposed of via chemical toilet or holding tank serviced by Six Rivers Portable Toilets/B&B Portable Toilets. Toilet facilities will always be operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.

7. Cultivation Activities

Jan-Feb	<input type="checkbox"/> Submit SWRCB enrollment report and fee <input type="checkbox"/> Install and repair any infrastructure <input type="checkbox"/> Perform initial site inspection
Mar-Apr	<input type="checkbox"/> Conduct and record inventory of amendments and verify proper storage <input type="checkbox"/> Begin tilling soil and amendments to prepare for planting <input type="checkbox"/> Obtain clones <input type="checkbox"/> Begin daily plant inspections <input type="checkbox"/> Check water meters and record monthly usage <input type="checkbox"/> Conduct regular site inspections and make repairs as needed
May-Jun	<input type="checkbox"/> Upgrade plants to fabric pots <input type="checkbox"/> Encage plants for stability <input type="checkbox"/> Plant clones for second crop
Jul-Aug	<input type="checkbox"/> Harvest crop by hand (1st Crop) <input type="checkbox"/> Send crop offsite for processing

	<input type="checkbox"/> Upgrade plants to fabric pots <input type="checkbox"/> Encage plants for stability
Sep-Oct	<input type="checkbox"/> Harvest crop by hand (2nd Crop) <input type="checkbox"/> Send crop offsite for processing <input type="checkbox"/> Remove and recycle plant waste following harvest

8. Soil Management

Amendments are applied based on standard practices. Items are purchased, applied, stored and inventoried. Once tilling is completed and soil has been prepared, planting begins.

Following the harvest, reusable soil is properly contained and covered for tilling in the next season.

9. Cultivation Cycles

The site produces two crop cycles. In mid-March, planting begins with clones. Plants are then transplanted to larger pots and placed in greenhouses where they are braced and trellised with tomato cage and bamboo for stability. Harvest is expected in July, and October, but will vary depending on environmental factors including weather, pests, and plant strains.

10. Plant Management

During the cultivation cycles, plants are inspected daily. Irrigation is monitored and adjusted based on impact of various factors, mainly heat and precipitation. Once plants are placed into greenhouses, they are carefully maintained with periodic topping and pruning until ready to harvest.

11. Processing Practices

After being harvested, the cannabis is taken offsite for processing.

12. Staffing

The site is a family farm with minimal employee needs. The family includes two (2) members. 1-2 part-time employees will be hired during peak seasonal activities with no lodging provided on site. Harvesting and processing is done with the support of family members and temporary staffing. A third-party licensed contractor or temporary employment agency services may be utilized on a temporary basis to support harvest operations.

13. Security Measures

The site is secured through limited road access restricted by locked gates. Gates are of heavy steel construction with a steel combination lock. Plans are being made to add additional perimeter fencing and a surveillance system.

14. Health and Safety

When employees are hired this site will be operated as an "agricultural employer" as defined by 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, and comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers. At the first establishment of 20 or more employees, the firm will sign and enact a Labor Peace Agreement and allow upon written request, all bona fide labor organizations access at reasonable times to areas in which the farm's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

An Injury and Illness Prevention Program (IIPP) Plan will be posted. It includes safety protocols including emergency action plan and fire prevention plan, use of personal protective equipment, proper equipment and materials handling, heat illness prevention, employee accident reporting policies and logs, communication of hazards and Safety Data Sheets for amendments and chemicals used onsite, and employee training logs.

Posted and available documentation for employees (if applicable) will include:

- *Injury and Illness Prevention Program (IIPP) Plan* - T8 CCR Section 3203 of the General Industry Safety Orders
- *Agricultural Occupations Notice* - Industrial Welfare Commission Order No. 14-2001
- *Professional, Technical, Clerical, Mechanical, and Similar Occupations Notice* - Industrial Welfare Commission Order No. 4-2001
- *Safety and Health Protection on the Job* - Labor Code section 6328
- *California Minimum Wage* - MW-2017 General Minimum Wage Order
- *Healthy Workplaces/Healthy Families Act of 2014 Paid Sick Leave* - Division of Labor Standards
- *Payday Notice* - Labor Code section 207
- *Emergency Numbers* - Title 8 Section 1512 (e), California Code of Regulations
- *Access to Medical and Exposure Records and General Industry Safety Order 3204*
- *Injuries Caused by Work* - Title 8, California Code of Regulations, Division of Workers' Compensation section 9881

- *Whistleblower Protections* - Labor Code Section 1102.8(a)
- *No smoking signage* - Labor Code section 6404.5(c)(1)
- *Farm Labor Contractor Statement of Pay Rates* - California Labor Code Section 1695(7)
- *Insurance and Paid Leave Notice to Employees* - DE 1857A
- *Equal Employment Opportunity is the Law* - EEOC-P/E1 and Americans with Disabilities Act
- *Human Trafficking Public Notice* - Civil Code § 52.6

15. International Dark Sky Standards

Any greenhouse or propagation area with supplemental lighting will be properly maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0, and prevent light spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501
www.wildlife.ca.gov

GAVIN C. NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 19, 2019

Robin Mammoo
Babylon Farms, LLC
205 Laws Ave
Ukiah, CA 95482
info@margoadvisors.com

RECEIVED

DEC 4 2019

Humboldt County
Planning Division

Subject: **Notification of Lake or Streambed Alteration No. 1600-2019-0086-R1
Impacting Van Duzen River tributary to Lower Eel River
Humboldt County Assessor's Parcel Number 208-341-028**

Dear Robin Mammoo:

On February 11, 2019 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). On March 13, 2019, your Notification was deemed complete due to the passage of 30 days with no action taken place by CDFW to incomplete your Notification.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete, if the Department determines that an Agreement is required for the project. An Agreement would be required if the Department determined that your project could substantially adversely affect an existing fish or wildlife resource. Therefore, the Department had until May 12, 2019 to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the **project described in your notification** without an Agreement.

Please note that pursuant to Fish and Game Code (FGC) section 1602, subdivision (a)(4)(D), if you proceed with this project, **it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that Notification received by CDFW in writing prior to the date of this letter.** This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of FGC section 1602.

Your notification includes, but is not limited to, the following information: Water well used for commercial irrigation located at approximately (lat./long): 40.4839, -123.5773. CDFW did not evaluate hydraulic connection of the well to surface water, although it is

Conserving California's Wildlife Since 1870

Robin Mammoo
June 19, 2019
Page 2 of 2

located in proximity to the Van Duzen River. No Well Completion Report was provided, nor was a hydrogeologic evaluation prepared by a licensed geologist provided for CDFW review. No other projects that may be subject to FGC1602 were disclosed and therefore no other projects are covered by this letter.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. As indicated in your Notification, the Applicant requests the Department to first contact Margo Advisors at 707-500-2420 to schedule a date and time to enter the property where the project described in this notification will take place, in the event the Department determines that a site inspection is necessary. This condition does not apply to CDFW enforcement personnel. Please note this letter is only valid until **May 12, 2024**, which is 5 years from the date the Department was required to provide a Draft Agreement.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

cc: NorthCoast.Cannabis@Waterboards.ca.gov



**Site Management Plan for:
WDID: 1B161436CHUM
APN: 208-341-028**

Prepared for:
State Water Resources Control Board (SWRCB)
North Coast Regional Water Quality Control Board (NCRWQCB)

Prepared by:
Margro Advisors
230 4th St, Eureka CA, 95501

Date of Completion:
09/10/2019

Introduction

This Site Management Plan (SMP) as required by the State's General Order¹, is for a cannabis cultivation site by Babylon Pharms LLC located in the Dinsmore area, coordinates 40.4839, -123.577, in Humboldt County. The site has no physical address. The site is located in the watershed HUC 12-180101050703. The purpose of this order is to provide a regulatory structure for cannabis cultivation that reduces contributions to existing water quality issues and prevents additional adverse impacts to water resources throughout California. The purpose of the SMP is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order, as well as to describe how the cultivator is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Cannabis General Order. Refer to Attachment D of the General Order for further technical report guidance.

Margro Advisors has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, Google Earth, and Humboldt County Web GIS). The parcel boundaries are approximate and obtained from Humboldt County.

Attached is a map of directions from Google Maps.

¹ Order entitled "STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2017-0023-DWQ GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES"



← from Dinsmore, California 95526
to 45740 CA-36, Bridgeville, CA 95526

5 min (2.1 miles)

via CA-36 E

Fastest route, the usual traffic



Dinsmore

California 95526

↑ Head northeast on CA-36 E toward Bear Creek Rd

1.7 mi

↙ Turn left onto Rattlesnake Bridge Rd

0.1 mi

↘ Turn right onto Cobb Rd

① Destination will be on the right

0.3 mi

45740 CA-36

Bridgeville, CA 95526

Site Characteristics

This project is associated with Humboldt County Interim Permit # 12804-SP, and has been granted a license for 10,000 ft² of outdoor cultivation by CDFA, License # PAL18-0003344.

Processing

After being harvested, the cannabis is taken off-site for processing.

Power

The site uses a Honda EU 3000 and a Honda EU 7000 gasoline generators for electricity, when needed. Average use is up to 6.3kWh per day depending on the need for and duration of ventilation, and use of farming equipment. As the generators are rated by the manufacturer under 60dB, they meet perimeter noise restrictions required by environmental regulations.

Elevation within this parcel ranges from 2,440 to 2,680 feet. Mean annual precipitation is 50 to 70 inches. Mean annual air temperature is 48 to 52 degrees Fahrenheit. The frost free period is 150 to 250 days.

Attached at the end of this document is a site map. The site map includes features such as: access roads, vehicle parking areas, streams, stream crossings, cultivation sites, disturbed areas, buildings, and other relevant site features.





































Soil Description

Attached is a soil map of the parcel. The soils within the area are primarily Hecker Family (Map Unit 256, 60% of parcel) and Minor Components (Map Unit 256, 40% of parcel).

Babylon Pharms LLC (208-341-028) Soil Map



MAP LEGEND

Area of Interest (AOI)		Area of Interest (AOI)
Soils		Soil Map Unit Polygons
		Soil Map Unit Lines
		Soil Map Unit Points
Special Point Features		
		Blowout
		Borrow Pit
		Clay Spot
		Closed Depression
		Gravel Pit
		Gravelly Spot
		Landfill
		Lava Flow
		Marsh or swamp
		Mine or Quarry
		Miscellaneous Water
		Perennial Water
		Rock Outcrop
		Saline Spot
		Sandy Spot
		Severely Eroded Spot
		Sinkhole
		Slide or Slip
		Sodic Spot
		Spoil Area
		Stony Spot
		Very Stony Spot
		Wet Spot
		Other
		Special Line Features
Water Features		
		Streams and Canals
Transportation		
		Rails
		Interstate Highways
		US Routes
		Major Roads
		Local Roads
Background		
		Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Six Rivers National Forest Area, California
Survey Area Data: Version 12, Sep 13, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 18, 2015—Oct 24, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
101hc	Typic Udifluvents-Fluvents complex, 0 to 2 percent slopes	0.0	0.2%
256	Hecker family, deep, 35 to 70 percent slopes	18.2	99.8%
Totals for Area of Interest		18.3	100.0%

Map Unit 256

The parent rock of the Hecker Family unit is residuum weathered from metasedimentary rock. There is 60 to 64 inches of depth to paralithic bedrock. The natural drainage class is well drained. The runoff class is high. The capacity of the most limiting layer to transmit water (Ksat) is very low to moderately low (0.00 to 0.14 inches per hour). The frequency of flooding is none.

The frequency of ponding is none. The available water storage in profile is high (about 10.1 inches).

Minor Components contains rock outcrop (10% of the parcel), the Soulajule Unit (10% of the parcel), the Oxalis Unit (10% of the parcel), and the Melbourne Unit (10% of the parcel).

Water Storage, Use, and Irrigation Runoff

Water source is an on-site groundwater well which is believed to be hydrologically disconnected from waters of the state. The cultivator has completed an LSA Notification (No. 1600-2019-0086-R1). Water storage is comprised of three 15,000-gallon tanks for cannabis cultivation. A summary of water storage is shown below in Table 1.

Water Storage Type	Size (Gallons)	Number	Total (Gallons)
Tank	5,000	3	15,000
Total			15,000

Table 1: Summary of water storage on the parcel.

The amount of water used for the cultivation of cannabis will vary throughout the year, from 300 gallons twice a week to 500 per day in the Summer months. A pump directs water from the well to a storage tank for irrigation. Gravity directs waterflow from the tanks through the irrigation lines. All irrigation is dispersed manually. During the beginning of the grow season, clones are watered two to three times a week as needed. Once fully planted, irrigation increases to every day. Carefully managed irrigation at agronomic rates, with immediate oversight, along with straw mulch are used to reduce the possibility of irrigation runoff. A summary of water use in gallons by month is shown below in Table 2.

Jan	Feb	Mar	Apr	May	June
0	0	1,200	2,400	3,300	16,200

July	Aug	Sept	Oct	Nov	Dec
14,100	15,500	15,000	7,500	0	0

Table 2: Summary of water use in gallons by month.

Water flow is metered and will be regularly recorded and reported with the end of the year monitoring report. Tanks, lines, and connections will be checked periodically for wear, damage, and leaks. Repairs are done immediately or mitigated until replacement parts are obtained.

Sediment Discharge

Access Roads

Cobb Road is in decent condition. It is a dirt and gravel road that has roadside ditches but also features some evidence of erosion. The driveway onto the property driveway is a dirt road that shows evidence of erosion. There is very little vehicle traffic from the site (about two cars per day) and there are currently no road maintenance activities. Access road stormwater drainage structures do not discharge onto unstable slopes, earthen fills, or directly to a waterbody. All required permits and approvals will be obtained prior to the construction of any access roads.

Stream Crossings

There are two stream crossing culverts on the parcel. An overview of stream crossings is shown below in Table 3.

Label	Size (inches)	Type	Watercourse Class	Condition
Culvert 1	12"	Corrugated Metal Pipe	Class II	Good
Culvert 2	12"	Corrugated Metal Pipe	Class III	Good

Table 3: Overview of stream crossings on the property.

A road association is being formed which will hire a qualified professional to assess all of Cobb road conditions including culverts. A plan will be developed to accommodate the estimated 100-year flood flow, including debris and sediment loads. All culverts will be maintained and inspected for blockage with regular monitoring detailed in the Monitoring section of this plan. The culvert will be installed parallel to the watercourse alignment to the extent possible; it will be of sufficient length to extend beyond stabilized fill/sidecast material, and will be embedded or installed at the same level and gradient of the streambed in which it will be placed to prevent erosion.

Sediment Erosion Prevention and Sediment Capture

BPTC measures being implemented to prevent or limit erosion include topping soil with straw mulch, grass seed, or cover crop. When exposed surfaces or bare slopes appear, topsoil is covered with straw for temporary erosion control to minimize sediment, and stabilize the surface in the event of heavy rainfall. In addition, there is no driving or operating of vehicles or equipment within the riparian setbacks or within waters of the state unless authorized. Placement of gravel, straw wattles, and silt screens are examples of additional mitigation measures which will also be taken to ensure erosion control if deemed necessary.

used for field sanitation, serviced by Six Rivers Portable Toilet and B&B Portable Toilets. Toilet facilities will always be operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.

Winterization

The property owner keeps a copy of Winterization Protocols for Statewide Cannabis General Order onsite. BPTC measures will be performed to winterize the site and prevent discharges of waste.












The property owners do not operate heavy equipment of any kind at the cannabis cultivation site during the winter period unless authorized for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction. In addition, if there is construction, all construction entrances and exits are stabilized to control erosion and sediment discharges from land disturbance. All loose stockpiled construction materials (e.g. soil, spoils, aggregate, etc.) that are not scheduled for use within 48 hours are covered and bermed. Erosion repair and control measures to the bare ground (e.g. cultivation area, access paths, etc.) are applied to prevent discharge of sediment to waters of the state. If any BPTC measure cannot be completed before the onset of the winter period, the property owner will contact the Regional Water Board to establish a compliance schedule.

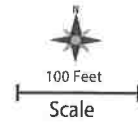
Remediation

Cobb Road is being assessed for culvert sizing and some evidence of ruts and erosion. Cobb Road and the driveway onto this parcel will be fixed and devoid of signs of significant erosion by December 2021.

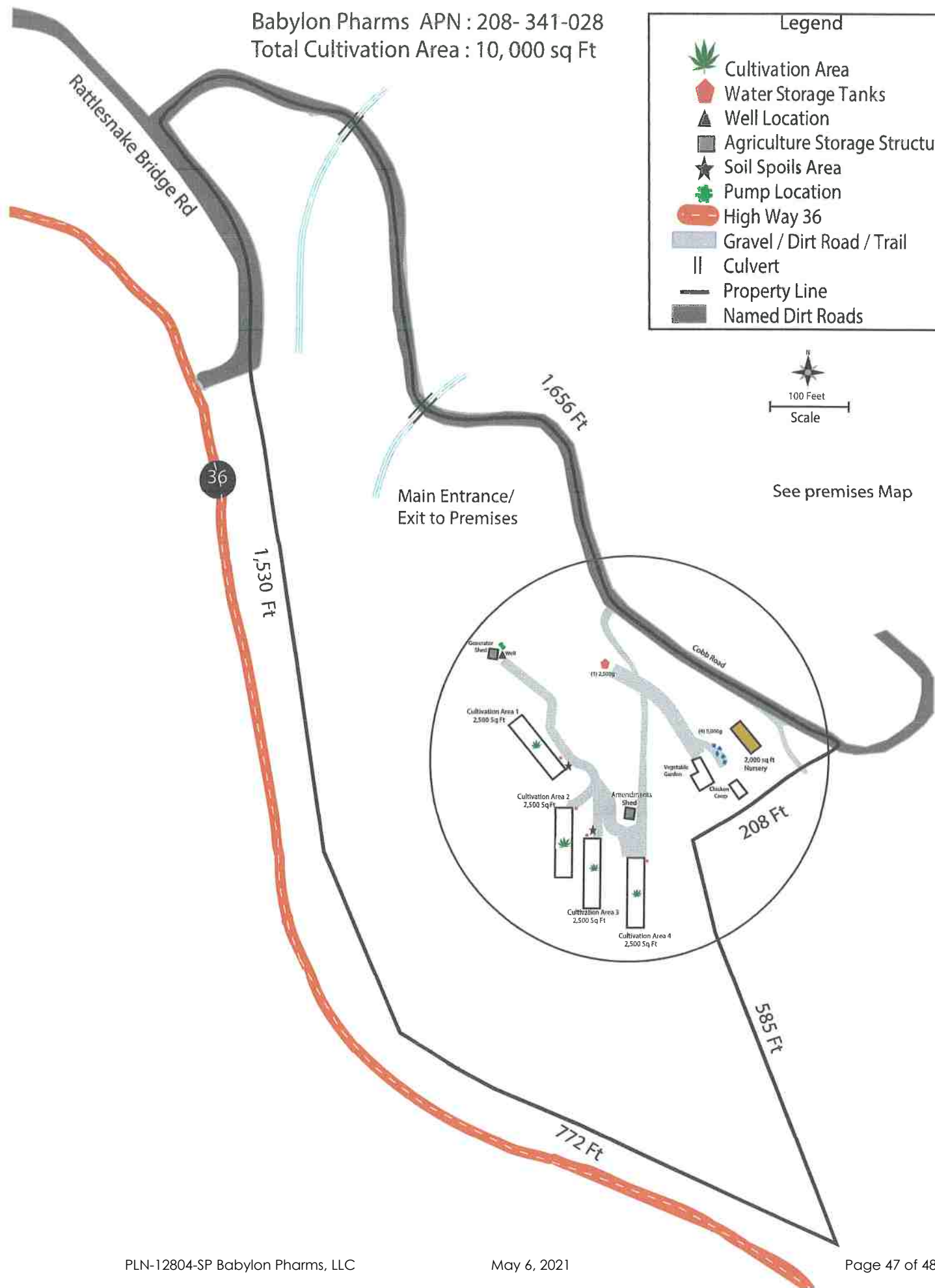
Babylon Pharms APN : 208- 341-028
Total Cultivation Area : 10,000 sq Ft

Legend

-  Cultivation Area
-  Water Storage Tanks
-  Well Location
-  Agriculture Storage Structures
-  Soil Spoils Area
-  Pump Location
-  Highway 36
-  Gravel / Dirt Road / Trail
-  Culvert
-  Property Line
-  Named Dirt Roads



See premises Map



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following agencies for review and comment. The agencies that provided written comments are indicated with a check under Response.

Referral Agency	Response	Recommendation	Location
Humboldt County Department of Health & Human Services	✓	Approved with conditions	On File
Dinsmore Airport Director	✓	Approved	On File
Bear River Tribal Band of the Rohnerville Rancheria	✓	Approved with conditions	On File
California Department of Fish and Wildlife Lake and Streambed Alteration Application	✓	Approved	On File
Humboldt County Building Inspection	✓	Approved with conditions	On File
CAL FIRE	✓	Approved	On File
Caltrans	✓	Approved with conditions	On File
North West Information Center (NWIC)	✓	Approved	On File
Humboldt County Public Works Department	✓	Approved	On File
USDA Forest Service, Six Rivers National Forest	✓	Approved with conditions	On File