



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 Planning Commission

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

Subject: **Seeking Roots, LLC, Conditional Use Permit and Special Permit**
Record Number: PLN-10871-CUP
Assessor's Parcel Number (APN): 223-101-002
26092 Dyerville Loop Road, Garberville area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Topo Map	11
Zoning Map	12
Aerial Map	13
Site Plan	14
Attachments	
Attachment 1: Recommended Conditions of Approval	16
Attachment 2: CEQA Addendum	24
Attachment 3: Applicant's Evidence in Support of the Required Findings	28
Site Management Plan	Separate
Attachment 4: Referral Agency Comments and Recommendations	59

Please contact Jenifer King, Assigned Planner, at 360-647-8320 or by email at Jenifer.king@aecom.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 15, 2021	Conditional Use Permit and Special Permit	Jenifer King

Project Description: A Conditional Use Permit (CUP) for continued cultivation of 28,854 square feet of outdoor cannabis grown using light-deprivation techniques. Ancillary propagation totals 770 square feet. Irrigation water is sourced from a groundwater well and a point of diversion. Annual water usage is 235,000 gallons. Existing water storage is 223,100 gallons in a series of hard-sided tanks and a water bladder. Drying, processing, and storage occur onsite in an existing 2,600-square-foot barn. A maximum of 20 employees may be utilized during peak operations. Power is provided by 35-kilowatt generator and solar array. The project also includes a Special Permit for development within the Streamside Management Area for continued use of the point of diversion.

Project Location: The project is located in the Garberville area, approximately 2 miles from the intersection of Alderpoint Road and Dyerville Look Road, on the property known as 26092 Dyerville Road, Garberville.

Present Plan Land Use Designations: Residential Agriculture (RA40) Density: 40 acres per dwelling unit, Slope Stability: High instability (3).

Present Zoning: Agricultural Exclusive (AE-B-6)

Record Number: PLN-10871-CUP

Assessor's Parcel Number: 223-101-002

Applicant

Seeking Roots, LLC
P.O. Box 162
Garberville, CA 95542

Owner

Terrence and Helen Hepner
13525 Cronese Road
Apple Valley, CA 92308

Agents

Green Road Consulting
1560 Central Avenue, Suite C
McKinleyville, CA 95519

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

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

Major Issues: None.

Seeking Roots, LLC
Record Number: PLN-10871-CUP
Assessor's Parcel Number: 223-101-002

Recommended Commission Action:

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

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

Executive Summary: Seeking Roots, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 28,854 square feet (SF) of light deprivation outdoor cannabis in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). A Special Permit is also requested for development within the Streamside Management Area (SMA) for use of a point of diversion. The site is designated as Residential Agriculture (RA40) in the Humboldt County 2017 General Plan Update and zoned Agricultural Exclusive, Special Building Site (AE-B-6). Cultivation takes place in three (3) separate areas: Cultivation Area A (eastern area) contains 13,400 SF of outdoor cultivation in eight (8) hoop houses, Cultivation Area B (central area) contains 13,900 SF of outdoor cultivation in six (6) hoop houses, and Cultivation Area C (western area) contains 1,554 SF of outdoor cultivation in six (6) hoop houses. Two nurseries are located in Cultivation Area A and consist of one (1) 455 SF nursery and one (1) 315 SF nursery, and ancillary structures and facilities occur in Cultivation Area A and Cultivation Area B, including nutrient sheds, water storage, barn, shed, garbage storage, compost area, processing area, office, generator shed, and diesel tank. Two harvests are anticipated annually for a growing season that extends from April through October.

Drying, processing, and storage occurs onsite in an existing 2,600 SF barn. Up to twenty (20) employees may be utilized during peak operations. Power is provided by 35-kilowatt generator and solar array. The operation will be secured behind a gated road with a camera surveillance system, fenced cultivation areas, and locked structures.

Estimated annual water usage is 131,235 gallons (4.5 gal/SF) with average water use between 900 – 1,000 gallons per day May through October as stated in the operations plan. Irrigation water is sourced from a permitted point of diversion located on an unnamed Class II stream tributary to Dean Creek (SWRCB Registration H502193) (Attachment 3) and a groundwater well. *Right to Divert and Use Water* (Registration ID H502193; Certificate No. H100333) has been issued for use with the spring diversion. The *Right to Divert and Use Water* allows for 1.89 acre-feet (or 615,500 gallons) of water to be diverted from the unnamed spring that is tributary to an unnamed stream that flows to Dean Creek. The well is located approximately 375 feet northwest of the nearest Streamside Management Area and 80 feet higher in elevation. According to the Well Completion Report (see Attachment 3), the well is 190 feet deep and drilled through sandstone and shale. A blank is installed for the first 80 feet of the well and from 100 – 170 feet. There are two screens located from 80 – 100 feet and from 170 – 190 feet. Based on the distance from the nearest watercourse and rate of production of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Existing water storage is in thirty-four (34) high-density polyethylene (HDPE) tanks ranging in size from 1,200 gallons to 5,000 gallons, one (1) 37,000-gallon metal tank, and one (1) 50,000-gallon water bladder that will be removed and replaced by hard tanks as a condition of the permit, for a total of 223,100 gallons of existing storage capacity. There is sufficient water to supply the project and water storage covers the forbearance period. Conditions of approval require the applicant to monitor water

use from the well and spring diversion annually to demonstrate there is sufficient water available to meet operational needs.

The applicant also seeks a Special Permit for development within the Streamside Management Area for the use of the registered point of diversion. The SWRCB Right to Divert and Use Water, dated November 19, 2018, allows up to 1.89 acre-feet (615,000 gallons) to be diverted and used for irrigation purposes per year between December 15th and March 31st. Additionally, the rate of diversion to storage is limited to 42,000 gallons per day and total storage capacity shall not exceed 4.51 acre-feet (1,469,115 gallons). A Final Streambed Alteration Agreement (Notification No. 1600-2016-0269-R1) with the California Department of Fish and Wildlife (CDFW) (Attachment 3) was also obtained in September 2016 that states no more than 150 gallons per day shall be diverted from the point of diversion between May 15 and October 15 annually and restricts water diversion to 3 gallons per minute or 25 percent of the total flow at any given time. By adhering to the terms and conditions of the *Right to Use and Divert Water*, which limits the amount of water that can be diverted and the and the FSAA, which limits the diversion amount and duration in addition to the specifying the use of intake structures that will not impact aquatic species, Planning staff determined that impacts to the watershed are minimized allowing the use of point diversion pursuant to a Special Permit.

The Site Plan Map prepared by Green Road Consulting (Attachment 3) depicts an unnamed Class II intermittent stream with its associated 100-foot Streamside Management Area (SMA) buffer. Green Road Consulting measured setbacks distances during site surveys conducted for preparation of the Site Management Plan (SMP) and confirmed that no cultivation areas or structures are within the SMA buffers.

A SMP was prepared in May 2019 by Green Road Consulting (Attachment 3) that includes recommended best practices for erosion control and water quality protection consistent with the North Coast Regional Water Quality Control Board Order RI-2015-0023 and SWRCB Cannabis General Order WQ 2017-0023-DWQ. The SMP identified nine (9) sites requiring remediation work including removal of cultivation-related waste, erosion control, installation of rolling dips, and installation of water meters at the point of diversion by October 2019. The project is conditioned to implement all requirements of the SMP upon issuance of the project permits. The applicant has subsequently enrolled in the SWRCB WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID 1_12CC417190; Effective as of 07/01/2019; Expires 04/15/2024) (Attachment 3). The potential indirect impacts associated with the project are further mitigated through implementation of best management practices included in the Site Management Plan (Attachment 3), including measures to protect biological resources. The measures address drainage, runoff, and erosion control and proper application, storage and disposal of fertilizers, pesticides, herbicides, and petroleum products. The project has a dedicated shed for nutrient storage near the cultivation area, as shown on the Site Plan. All fertilizers, pesticides, herbicides, and rodenticides are mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Per the Site Management Plan, fertilizers, pesticides, and herbicides are applied at agronomic rates specified on the product label and the applicant keeps a log of their use of fertilizers, pesticides, and herbicides for annual reporting to the SWRCB. All trash is locked up in the garbage storage unit onsite and then it is removed on a regular basis to a waste management facility. No trash or debris will be allowed to enter a watercourse or riparian setback area. The location of compostable cultivation waste is shown on the Site Plan, where it is stored in a location and manner where it cannot be transported to surface waters. Furthermore, all greenhouses and other cultivation-related structures are outside of the Streamside Management Area buffers.

A search of California Natural Diversity Database (CNDDb) biological resources database was performed on December 28, 2020. No special-status species have been documented on the project site. The nearest Northern Spotted Owl (NSO) observation occurred approximately 1.7 miles from the site, and no activity centers were identified within 2 miles of the project site. Lands surrounding the site are heavily forested, thus, there is the potential for NSO habitat. The proposed project is to continue use of

existing developed sites. Power is provided by one 35-kilowatt generator and a solar array. The project is conditioned such that generators shall have secondary containment for fluid catchment and noise attenuation, and noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The project is conditioned to refrain from using synthetic netting, to ensure refuse is contained in wildlife-proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife. The project is further conditioned to adhere to Dark Sky Standards for security lighting. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access to the site is directly from Dyerville Loop Road. Dyerville Loop Road is a Category 4 County-maintained roadway that is included on the Department of Public Works, Land Use Division's list of County roadways that meets Road Category 4 standards for cannabis projects. The project site has a 250-foot permanent access road off Dyerville Loop Road. Evaluation of the access road conducted as part of the SMP prepared by Green Road Consulting in May 2019 (Attachment 3) recommends improvements to the access road outlined in the SMP, including construction of waterbars and rolling dips. The recommendations specified in the SMP have been included as a Condition of Approval. Referral comments received from the Public Works Division in February 2018 request that all driveways and road intersections onto the County road (Dyerville Loop Road) shall be maintained in accordance with the Sight Visibility Ordinance and requires improvements to the driveway apron (encroachment) that connects Dyerville Loop Road to the site entrance (Attachment 4). The project is conditioned to comply with the Public Works Division's referral comments and requests.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information). Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP) and Special Permit (SP).

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

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

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

Resolution Number 21-

Record Number: PLN-10871-CUP

Assessor's Parcel Number: 223-101-002

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Seeking Roots, LLC, Conditional Use Permit and Special Permit request.

WHEREAS, Seeking Roots, LLC, submitted an application and evidence in support of approving a Conditional Use Permit (CUP) for continued cultivation of 28,854 square feet of outdoor cannabis grown using light-deprivation techniques. Ancillary propagation totals 770 square feet. Irrigation water is sourced from a groundwater well and a point of diversion. Annual water usage is 235,000 gallons. Existing water storage is 223,100 gallons in a series of hard-sided tanks and a water bladder. Drying, processing, and storage occur onsite in an existing 2,600-square-foot barn. A maximum of 20 employees may be utilized during peak operations. Power is provided by 35-kilowatt generator and solar array. The project also includes a Special Permit for development within the Streamside Management Area for continued use of the point of diversion; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on April 15, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** A Conditional Use Permit (CUP) for continued cultivation of 28,854 square feet of outdoor cannabis grown using light-deprivation techniques. Ancillary propagation totals 770 square feet. Irrigation water is sourced from a groundwater well and a point of diversion. Annual water usage is 235,000 gallons. Existing water storage is 223,100 gallons in a series of hard-sided tanks and a water bladder. Drying, processing, and storage occur onsite in an existing 2,600-square-foot barn. A maximum of 20 employees may be utilized during peak operations. Power is provided by 35-kilowatt generator and solar array. The project also includes a Special Permit for development within the Streamside Management Area for continued use of the point of diversion.

EVIDENCE: a) Project File: PLN-10871-CUP

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

- EVIDENCE:**
- a) Addendum prepared for the proposed project.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
 - c) The applicant has subsequently enrolled in the SWRCB General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID 1_12CC417190). A Site Management Plan was prepared by Green Road Consulting in May 2019 to show compliance with SWRCB Cannabis General Order. Conditions of approval require the applicant to maintain enrollment, adhere to and implement the program requirements and recommendations within the Site Management Plan.
 - d) A search of California Natural Diversity Database (CNDDDB) biological resources database was performed on December 28, 2020. No special-status species have been documented on the project site. The nearest Northern Spotted Owl (NSO) observation occurred approximately 1.7 miles from the site, and no activity centers were identified within 2 miles of the project site. Power is provided by a 35-kilowatt generator and solar array. Conditions of approval will require generators to have secondary containment for fluid catchment and noise attenuation, and will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. Furthermore, the project is conditioned to adhere to Dark Sky Standards for security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.
 - e) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Company in October 2018, which concluded that the proposed project will not result in any adverse changes to historical or archaeological resources within the existing cultivation area and recommended Inadvertent Discoveries Protocol.
 - f) Access to the site is directly from Dyerville Loop Road, which is a County-maintained road that meet Road Category 4 standards for cannabis projects. As such, the road is suitable to accommodate the volume of traffic associated with the proposed project.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the

Open Space Plan and its Open Space Action Program.

4. FINDING

The proposed development is consistent with the purposes of the existing AE zone in which the site is located.

EVIDENCE

- a) The Agricultural Exclusive or AE Zone is intended to be applied in fertile areas of the County in which agriculture is and should be the desirable predominant use and is meant to ensure compatibility with adjacent resource production and open space uses.
- b) All general agricultural uses are principally permitted in the AE zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 28,854 square feet of existing outdoor cultivation on a 33.7-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.

EVIDENCE

- a) Conditions of approval require the applicant to adhere to and implement the project and recommendations contained in the Final SAA and provide evidence to the Planning Department that the project included in the Final SAA is completed to the satisfaction of CDFW. Conditions of approval also require the applicant to adhere to the terms and conditions of the Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB). By implementing permit conditions from the SWRCB and CDFW, impacts to the SMA are minimized.

6. 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 AE (HCC 314-55.4.8.2.2).
- b) The parcel known as APN 223-101-002 was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by Parcel Map No. 819 located in Book 7 of Parcel Maps, pages 45 through 52. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
- c) The project will obtain water from a permitted point of diversion located on an unnamed Class II stream tributary to Dean Creek (SWRCB Registration H502193) (Attachment 3) and a groundwater well. *Right to Divert and Use Water* (Registration ID H502193; Certificate No. H100333) has been issued for use with the spring diversion. The *Right to Divert and Use Water* allows for 1.89 acre-feet (or 615,500 gallons) of water to be diverted from the unnamed spring that is tributary to an unnamed stream that flows to Dean Creek. The well is located approximately 375 feet northwest of the nearest Streamside Management Area and 80 feet higher in elevation. The well is

190 feet deep and drilled through sandstone and shale. A blank is installed for the first 80 feet of the well and from 100 – 170 feet. There are two screens located from 80 – 100 feet and from 170 – 190 feet. Based on the distance from the nearest watercourse and rate of production of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Existing water storage is in thirty-four (34) high-density polyethylene (HDPE) tanks ranging in size from 1,200 gallons to 5,000 gallons, one (1) 37,000-gallon metal tank, and one (1) 50,000-gallon water bladder that will be removed and replaced by hard tanks as a condition of the permit, for a total of 223,100 gallons of existing storage capacity. There is sufficient water to supply the project and water storage covers the forbearance period. Conditions of approval require the applicant to monitor water use from the well and spring diversion annually to demonstrate there is sufficient water available to meet operational needs.

- d) Access to the site is directly from Dyerville Loop Road, which is a County-maintained road that meet Road Category 4 standards for cannabis projects. As such, the road is functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. The cultivation areas occur with an existing open area on the subject site. Aerial imagery dating back to 2005 indicates no conversion of timber has occurred onsite since this date.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

7. FINDING

The cultivation of 28,854 square feet of existing outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation. Access to the site is directly from Dyerville Loop Road, which is a County-maintained road that meet Road Category 4 standards for cannabis projects.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) The project will obtain water from a point of diversion that has been

permitted by the State Water Resources Control Board (SWRCB Registration H502193). Conditions of approval require the applicant to adhere to the diversion limitations and reporting requirements as described the SWRCB.

- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

8. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element. One housing unit exists onsite consistent with the General Plan's land use designation for the project site. The approval of cannabis cultivation on this parcel will not conflict with the continued use of the residence onsite.

DECISION

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

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

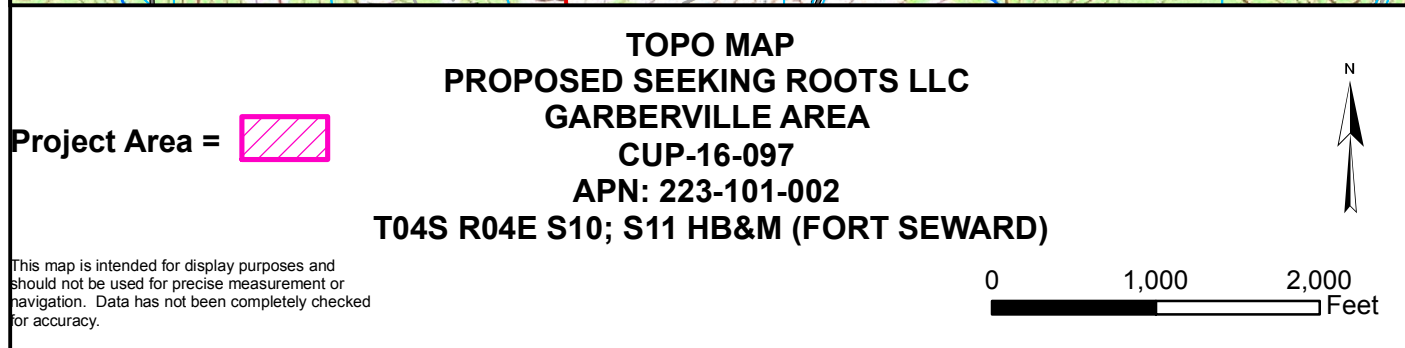
Adopted after review and consideration of all the evidence on April 15, 2021.

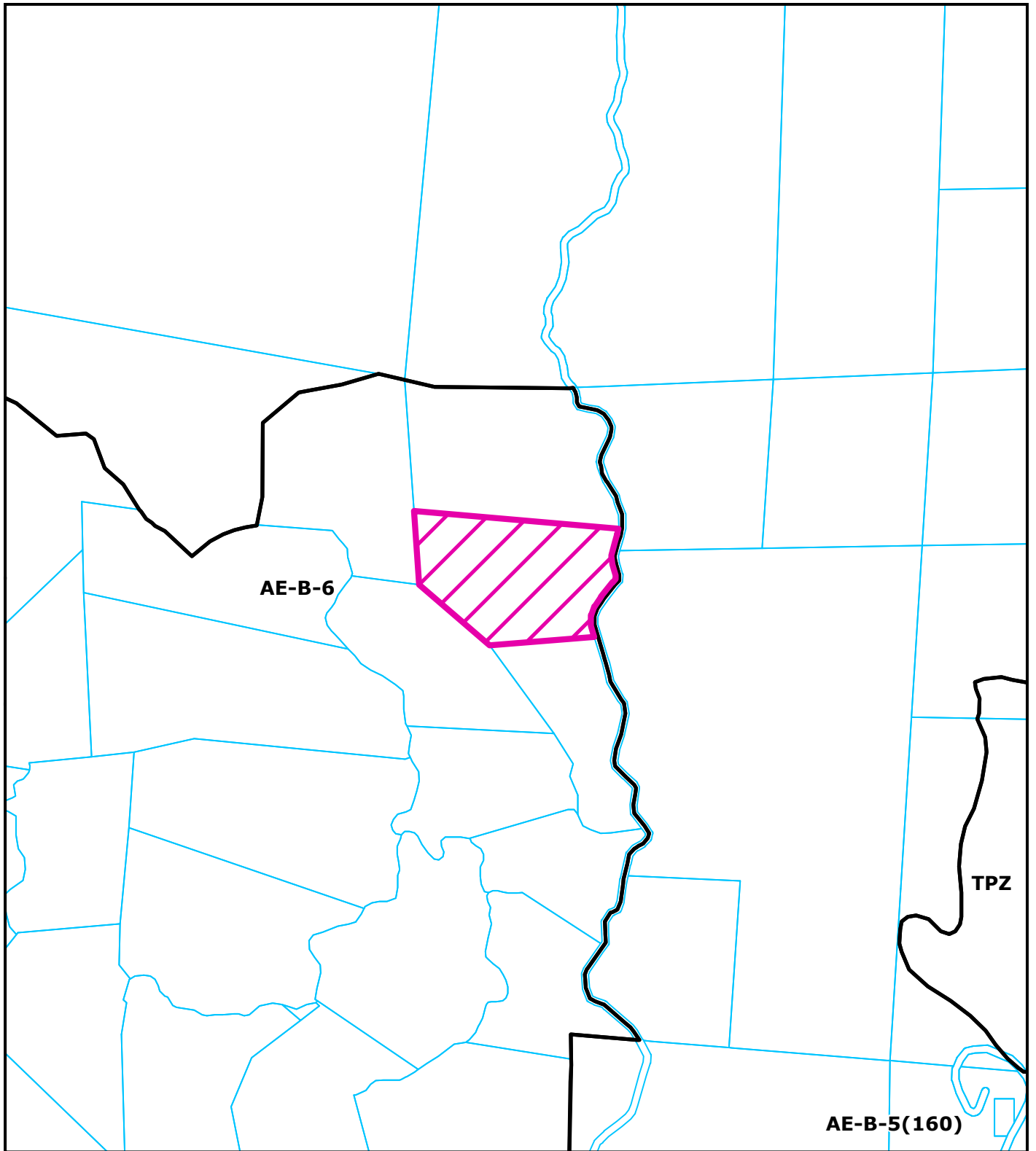
The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

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

John Ford, Director
Planning and Building Department

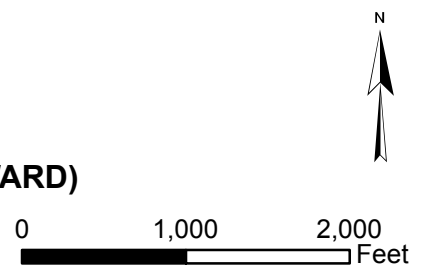


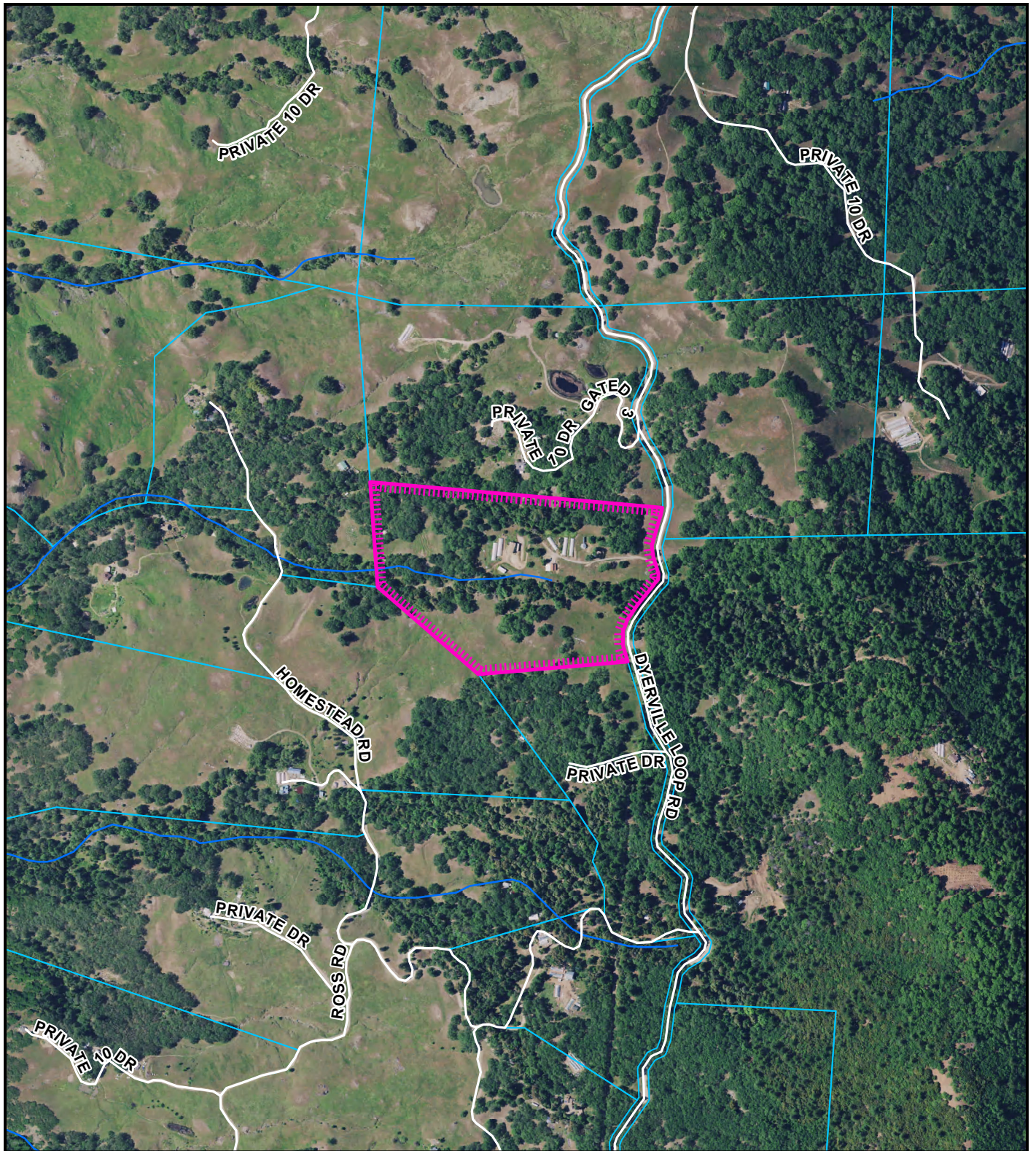


Project Area = 

**ZONING MAP
PROPOSED SEEKING ROOTS LLC
GARBERVILLE AREA
CUP-16-097
APN: 223-101-002
T04S R04E S10; S11 HB&M (FORT SEWARD)**

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 SEEKING ROOTS LLC
GARBERVILLE AREA
CUP-16-097
APN: 223-101-002
T04S R04E S10; S11 HB&M (FORT SEWARD)**

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

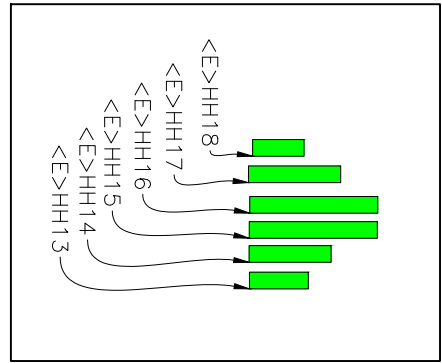
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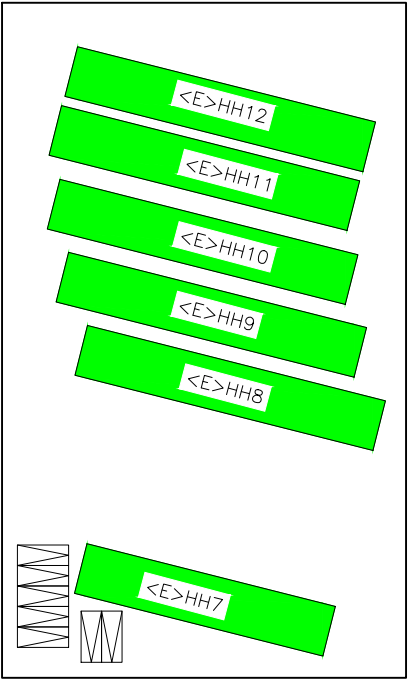


PARCEL OVERVIEW

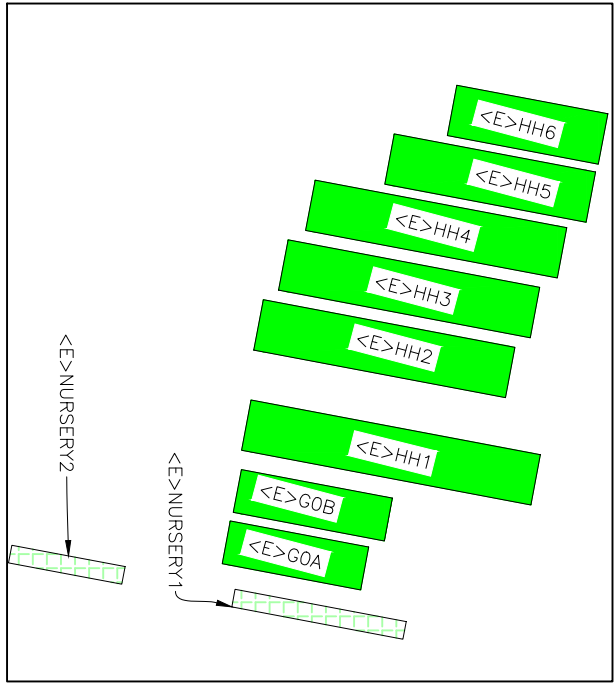
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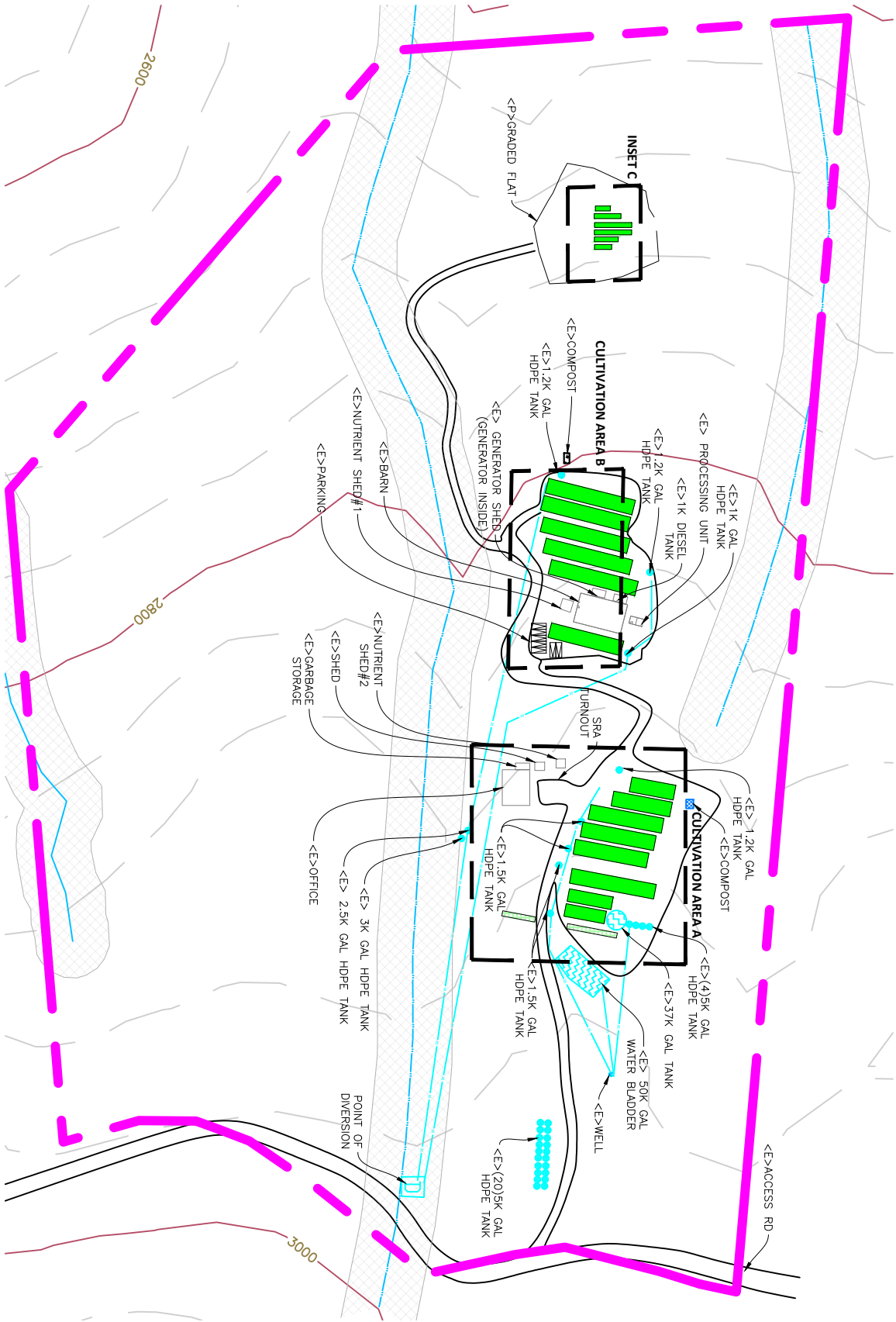
CULTIVATION AREA C



CULTIVATION AREA B



CULTIVATION AREA A



CULTIVATION INFORMATION

OUTDOOR (LIGHT DEPRIVATION) CULTIVATION				IMMATURE PLANT AREA			
HOOPHOUSE	LENGTH	WIDTH	SQ. FT.	NURSERY	LENGTH	WIDTH	SQ. FT.
GOA	55	20.0	1,100	1	65	7	455
GOB	60	20.0	1,200	2	45	7	315
1	115	20.0	2,300				455
2	100	20.0	2,000				
3	100	20.0	2,000				
4	100	20.0	2,000				
5	80	20.0	1,600				
6	60	20.0	1,200				
7	100	20.0	2,000				
8	120	20.0	2,400				
9	120	20.0	2,400				
10	120	20.0	2,400				
11	120	20.0	2,400				
12	115	20.0	2,300				
13	23	6.5	149.5				
14	32	6.5	208				
15	50	6.5	325				
16	78	6.5	507				
17	36	6.5	234				
18	20	6.5	130				
TOTAL CULTIVATION AREA =			28,853.5				

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
NUTRIENT SHED1	NUTRIENT/PESTICIDE STORAGE	10'x12'	2013
NUTRIENT SHED 2	DRYING/PROCESSING/HARVEST	10'x12'	2012
BARN	STORAGE/PACKAGE & LABELING/ ADMIN	40'x65'	2012
GENERATOR SHED	HOLD AREA	10'x18'	2014
SHED	GENERATOR STORAGE	10'x12'	2011
OFFICE	PACKAGE&LABELING	40'x37'	2012
PROCESSING UNIT	PROCESSING	10'x18'	2012

WATER STORAGE AND USE

TYPE	LAT/LONG	QUANTITY	GALLONS	TOTAL GALLONS
HDPE TANK	40.1323, -123.7075	1	1,200	1,200
HDPE TANK	40.1319, -123.7078	1	1,200	1,200
HDPE TANK	40.1322, -123.7071	1	1,000	1,000
HDPE TANK	40.1321, -123.7064	1	1,200	1,200
HDPE TANK	40.1316, -123.7062	1	3,000	3,000
HDPE TANK	40.1316, -123.7062	1	2,500	2,500
HDPE TANK	40.1320, -123.7061	4	1,500	6,000
HDPE TANKS	40.1320, -123.7061	20	5,000	100,000
BLADDER	40.1321, -123.7057	1	50,000	50,000
HDPE TANK	40.1321, -123.7057	4	5,000	20,000
TANK	40.1322, -123.7053	1	37,000	37,000
				223,100 GALLONS

WATER SOURCE

TYPE	LAT/LONG	BENEFICIAL USE
WELL	40.1322, -123.7050	CANNABIS IRRIGATION
POINT OF DIVERSION	40.1314, -123.7045	CANNABIS IRRIGATION

POWER SOURCE

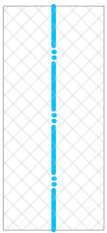
38 KW GENERATOR

SURROUNDING BUILDINGS

THERE ARE NO SIGNIFICANT BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 800 FEET OF THE CULTIVATION SITE.

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

LEGEND



UNNAMED CLASS II WATERCOURSE WITH REQUIRED 100 FT BUFFER

PARCEL LINE (PROPERTY BOUNDARY)

ADJACENT PARCEL LINE

WATERLINE

PROJECT INFORMATION

PROPERTY OWNER	TERRENCE HEPNER
ADDRESS	26092 DYERVILLE LOOP RD, GARBERVILLE, CA 95542
SHEET INFO	PARCEL OVERVIEW



REVISIONS

NO.	NOTES	DATE

DATE	11/17/20
DRAFTER	DDV
SCALE	AS SHOWN

SHEET
C1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #9. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures and grading related to the cannabis cultivation 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, graded flats and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall secure permits and install an on-site sewage disposal systems and restroom facilities prior to processing on-site. Portable toilet and handwashing facilities may not be utilized during the construction of these improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent

septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.

8. The applicant shall obtain an encroachment permit from the Department of Public Works to improve the private driveway where it intersects with Dyerville Loop Road and complete the required improvements. A letter or similar communication from the Department of Public Works stating this work is completed to DPW's satisfaction will complete this condition.
9. Within two (2) years of the effective date of this permit, the applicant shall replace the water bladder with hard-sided water storage of equivalent storage amount in a previously disturbed location. An updated Site Plan and Operations Plan reflecting the new project configuration shall be submitted when available and identify the locations of new water tanks. A sign-off from the Planning Department will satisfy this condition.
10. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
11. The applicant shall adhere to all requirements contained in the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) (Notification No. 1600-2016-0269-R1) in September 2016. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
12. The applicant shall continue to comply with the requirements specified in the *Right to Divert and Use Water* (Registration H502193, Certificate H100333), issued by the State Water Resources Control Board Division of Water Rights in November 2018.
13. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
14. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
15. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
16. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
17. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting

Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.

18. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
19. 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.
20. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
8. All fences and gates shall be relocated out of the County right-of-way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right-of-way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
9. Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
 - If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
10. The use of anticoagulant rodenticide is prohibited.
11. 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.
12. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
13. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
14. 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.

15. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
16. 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.
17. 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).
18. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
19. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
20. 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.
21. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. 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.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. 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

27. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
28. 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).

29. 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.
30. 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.
31. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
32. Term of Commercial Cannabis Activity Conditional Use Permit and Special Permit. Any Commercial Cannabis Cultivation CUP or SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
34. 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.
35. 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.
36. 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.
37. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance

Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #32 through #34 of the Ongoing Requirements/Development Restrictions, above.

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

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

ATTACHMENT 2

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

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

APN 223-101-002; 26092 Dyerville Loop Road, Garberville, County of Humboldt

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

March 2021

Background

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

The modified project involves a Conditional Use Permit for an existing 28,854 square foot (SF) light-deprivation outdoor cannabis cultivation operation in twenty (20) hoop houses with ancillary propagation, drying, and processing activities. Water for irrigation is provided by a permitted point of diversion (SWRCB Registration H502193). Existing available water storage is 223,100 gallons in thirty-four (34) high-density polyethylene (HDPE) tanks ranging in size from 1,200 gallons to 5,000 gallons, one (1) 37,000-gallon metal tank, and one (1) 50,000-gallon water bladder. Estimated annual water usage is 131,235 gallons (4.5 gal/SF) in 2019 from the Point of Diversion. Drying and processing occurs onsite. Up to twenty (20) employees may be utilized during peak operations. Power is provided by a 35-kilowatt generator and solar array.

A Cultural Resources Investigation was prepared in October 2018 and concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors. The project site contains riparian habitat associated with an unnamed Class II intermittent stream that traverses the site. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 15%. The Nearest Northern Spotted Owl (NSO) activity center is more than 2 miles from the cultivation areas. Power is provided by a 35-kilowatt generator. The project is conditioned such that generators shall have secondary containment for fluid catchment and noise attenuation to ensure the project has a Less than Significant Impact on NSO. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources as a result of light and noise.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 28,854 square feet of outdoor cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plans prepared by Green Road Consulting, dated 11/17/20;
- Cultivation and Operations Plan received 10/16/16;
- Cultivation and Operations Plan Supplemental Submission prepared by Jeffrey Slack, Esq. and Janssen Malloy, LLP, received 5/16/17;
- Addendum to the Cultivation and Operations Plan, dated 12/18/20;
- Right to Divert and Use Water, Certificate H502193 with the State Water Resources Control Board, Division of Water Rights, dated 11/19/18;
- Site Management Plan (WDID 1B16182CHUM) prepared by Green Road Consulting, dated 5/29/19;
- California Natural Diversity Database (CNDDDB) Biological Resources Search conducted by AECOM on 12/28/20.
- Streambed Alteration Agreement obtained from the California Department of Fish and Wildlife, (Notification No. 1600-2016-0269-R1), dated 11/20/16; and
- Cultural Resources Investigation of the Mendes-Hepner Property, prepared by Archaeological Research and Supply Company in October 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.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. **(Attached)**
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. **(Attached)**
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. **(Attached - Right to Divert and Use Water, Certificate H502193)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(Attached - Site Management Plan (WDID 1B16182CHUM) and Notice of Applicability)**
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior

unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources Investigation for the Mendes-Hepner Property prepared Archeological Research and Supply Company, dated November 2018 (On file and confidential).
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
17. California Natural Diversity Database (CNDDDB) Biological Resources Database Search, performed by AECOM on December 28, 2020. (On file and confidential)

CULTIVATION AND OPERATIONS PLAN

1. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage

WATER SOURCE AND STORAGE: Applicant has a permitted well with well-production of 6 gallons per minute. Well was permitted in August 2015 and California Department of Fish and Wildlife deemed the well non-jurisdictional.

Water for primary domestic use is diverted from one POD and is offset during the summer months from the well. Applicant has applied for a Lake and Streambed Alteration Agreement with CDFW and a small domestic use permit through the State Water Resources Control Board for domestic use. A 150-day forbearance period has been proposed with a total of 34,000 gallons of water storage to meet domestic use during forbearance. Applicant has a total of 61,000 gallons of hard storage currently on site. Tank levels are regulated using float valves that redirect flow back to the drainage course and prevent overflow at the tanks. Currently, 37,000 gallons of rainwater is collected by large steel water tank and supplemented by rainfall throughout the year.

Applicant has proposed a pond to be constructed on the property that will supplement cannabis cultivation irrigation needs. The proposed pond's capacity is 900,000 gallons and will be fed by rainwater and excess groundwater. The dimensions of the pond will provide enough surface to collect 900,000-gallon capacity of rainwater during a normal rain year. Once implemented, the rain-water fed pond will be the exclusive source of irrigation water for cannabis cultivation on the property.

IRRIGATION PLAN: Applicant has installed a drip irrigation system for cultivation that is expected to save over 200 gallons/day. A timer connection prevents overwatering and manual shutoff prevents watering before, during, and after rain events. Plants are irrigated at agronomic rates. Applicant intends to mulch to increase water retention. During spring, summer and fall months, growing plants are hand watered every fourth day with nutrient water and dripped every other day with fresh water with usage increasing at peak growth rates. The final two weeks before harvesting plants are not given fertilizers and are only fresh water fed. Water meters will be installed at the greenhouses to monitor water use for cultivation and reported at the end of the year.

PROJECTED WATER USAGE: During the growing season, Applicant expects water usage to be between 900 and 1000 gallons per day. Between the growing season of May through October, Applicant expects to use approximately 218,000 gallons of water. Applicant expects to use approximately 16,500 gallons in March and April. Total projected water use for cannabis cultivation is 235,000 gallons of water. Applicant uses cover crops and other permaculture techniques to improve soil and water retention to conserve water. Household usage is approximately 2,000 gallons of water per month.

Applicant has historically cultivated 34,000 sq. ft. of cultivation area on the property, but is currently cultivating 9,600 sq. ft. due to required forbearance. Once 900,000-gallon rainwater catchment pond is permitted and implemented, Applicant's water usage is expected to increase to approximately 878,400 gallons of water during the growing season.

2. Description of site drainage, including runoff and erosion control measures

SITE DRAINAGE: Currently, cultivation activities are approximately 150-250 feet away from intermittent class III streams and greater than 100 feet from class III ephemeral streams. There are no stream crossings on the property. Drainage flows to the west of the property.

RUNOFF AND EROSION CONTROL MEASURES: Applicant is in the process of out sloping, rocking, and installing rolling dips on roads to prevent any gullies or potential discharge to the stream system. Water bars will be installed on roads to treat gullying and concentrated road runoff. Applicant will maintain a stable vegetated buffer between the cultivation areas and the riparian zone. Currently, there are no dirt spoil piles existing or anticipated on the property. Any future spoils will be placed in designated areas where they cannot be transported to surface water. Spoils will be contained or stabilized with erosion and sediment control BMPs such as vegetated buffers, rocking, or straw waddles to prevent sediment delivery to surface waters.

3. Details of measures taken to ensure protection of watershed and nearby habitat

PROTECTION OF WATERSHED AND HABITAT: Applicant will employ water conservation measures such as drip and timer systems to conserve water and will maintain at least a 100-foot buffer between cultivation related activities and riparian zones. Any trailers or other materials within that 100 buffer will be removed.

CULTIVATION RELATED WASTE: Vegetative matter such as branches and leaves are kept in garbage cans located in the barns and then burned onsite. Soils in beds will be left in place and planted with cover crop to minimize waste. All packaging from soil amendments and fertilizers will be collected and disposed of at an appropriate facility. Applicant recycles where appropriate and separates recyclables.

REFUSE AND HUMAN WASTE: Applicant is in the process of improving and permitting an existing septic system. Garbage is stored inside the garage to prevent discharge to receiving waters until the garbage can be disposed of at an appropriate waste facility.

4. Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized

STORAGE OF FARM PRODUCTS: Fertilizers and soil amendments are currently being stored in an on-site barn. All liquid fertilizers have been placed in bins, or other secondary containers. The barn has a concrete floor and is covered and locked when not in use. Applicant uses only certified organic soil amendments and fertilizers. Applicant uses all products according to the labels, and the products are stored in their original packaging attached or affixed to secondary containers. Applicant will record soil amendment and fertilizer use for reporting at the end of the year.

Pesticides are kept in the on-site barn. Currently, Applicant is using sulphur smoke, a fungicide which is permitted for use on cannabis, and Neem Oil, an organic product. Application rates will be tracked and reported at the end of the year.

PETROLEUM PRODUCTS: Currently, there is a 1,000 gallon diesel tank near the barn that has secondary containment. Two other large tank fuel tanks are located next to a shed on the property. There is one large generated on site next to the barn that has built in secondary containment. Applicant intends to phase out the use of petroleum products by installing on-site solar energy and battery energy storage. Applicant will ensure that all petroleum products are housed in secondary containment until phased out.

5. Description of cultivation activities (e.g. outdoor, indoor, mixed light)

CULTIVATION ACTIVITIES: Applicant has historically cultivated up to 34,000 sq. ft. using both mixed light and outdoor cultivation. Current agriculture consists of four 20 foot x 100 foot greenhouses and one 20 foot x 80 foot greenhouse. As stated above, application will return the cultivation area to 34,000 sq. ft. once 900,000 gallon rainwater catchment pond is permitted and implemented. At present, Applicant does two cycles using "light deprivation" cultivation. Starts are purchased off site and grown in beds in the

greenhouses. They are then located outside to the outdoor cultivation area. Plants are grown in a soil mix and supplemented with soil amendments and fertilizers. Fertilizers and water are mixed into "tea" tanks and applied with every watering. Applicant also has a fruit tree orchard on site as part of the landscape.

Safety information and procedures are posted in the barn and garden areas. Employees are trained to follow product application rates, safety standards for equipment and basic safety work conditions.

6. Schedule of activities during each month of the growing and harvesting season.

January – February – March

- Apply mulching, soil building, plant cover crops
- Purchase starts of desired strains
- Landscape and prepare beds and greenhouses for planting
- Clones arrive in mid-March. Pot clones and starts
- Attach greenhouse tarp covers
- Amend soil using Dr. Earth and other soil amendments
- Weed whack and till cover crop and amend into soil.
 - Approximate generator use: 200 hours

April

- Water in soil and begin planting around April 15th
- Water each greenhouse every other day
- Apply nutrient feed with every other watering.
- Begin constructing trellis system for plants
 - Approximate generator use: 450 hours

May

- Continue water each greenhouse plants every other day
- Continue planting
 - Approximate generator use: 450 hours

June

- Water each greenhouse every other day and nutrient feed with every other watering
- Begin pulling tarps
 - Approximate generator use: 450 hours

July

- Water each greenhouse every other day and nutrient feed with every other watering
- Pull tarps for light deprivation
- Begin de-leafing plants
 - Approximate generator use: 450 hours

August

- Water each greenhouse every other day and nutrient feed with every other watering
- Pull tarps for light deprivation
- Begin harvesting
- Replanting
- Trimming

- Approximate generator use: 720 hours

September

- Water each greenhouse every other day and nutrient feed with every other watering
- Pull tarps for light deprivation
- De-leaf plants
- Trim and manicure harvested plants

October

- Water each greenhouse every other day and nutrient feed with every other watering
- Begin harvesting second cycle
- Hang and dry plants
- Continue to trim and manicure harvested plants

November

- Trim and manicure harvested plants
- Conduct end of year reporting
- Clean and landscape areas used in cultivation

December

- End of year reporting

7. Processing Plan

PROCESSING: Applicant is in the process of permitting a processing building in which all processing will be done and is built to commercial building standards and food grade handling standards. ADA facilities, handwashing facilities and bathrooms to support approximately 20 employees, as well as supplies for cleanliness and sanitation. Hand sanitizing liquid, gloves, potable water, and face masks shall be provided to employees.

Processing is currently done in an agricultural storage building. The dry rooms and processing facilities are sanitized after every use using organic cleaning products so that they are free of molds and other contaminants.

During harvesting months, the climate in the area is warm and dry and conducive to air drying the harvested plants. Humidity and temperature are monitored to ensure proper conditions for curing. Flower is then trimmed and separated and packaged in one pound increments. Trim is gathered for secondary manufacturing market.

Applicant is in the process of contracting with Humboldt Sun Growers Guild for its distribution.

8. Security Plan

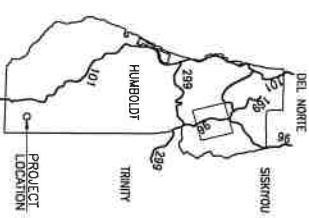
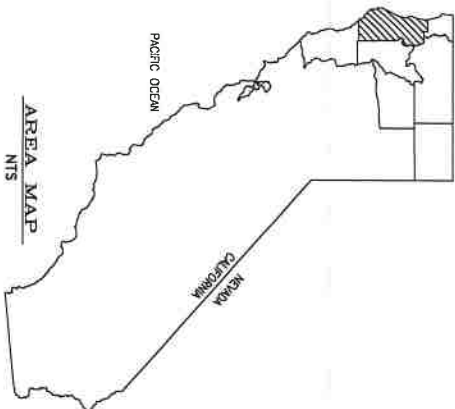
SECURITY FEATURES: There is fencing located on the interior of the property and surrounding the cultivation areas. One main driveway entrance is the only access point for vehicles. There is a gate on the main driveway that is ram proof and is locked using a keypad locking mechanism. The owner of the property is the only person with the keypad combination. The keypad combination is changed annually. Visitors are "buzzed" in remotely and a security camera has been installed facing the gated entrance. All

sensitive areas (i.e. cultivation and processing areas) are locked and there is a secure area inside the processing facility where all finished product is stored.

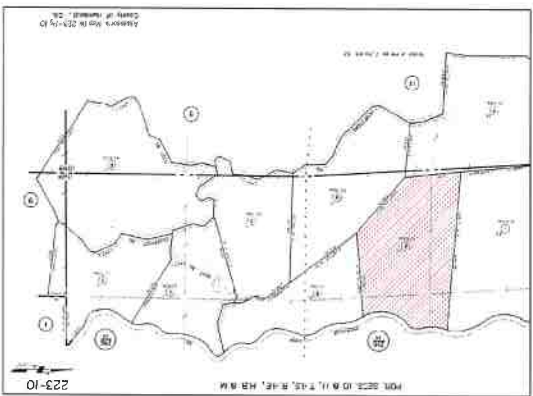
Applicant's plan for the commercial processing building will include additional security features including a vault and security cameras in and around the processing area.

PLOT PLAN
APN: 223-101-002

FOR:
SEEKING ROOTS, LLC.
P.O. BOX 162
GARBERVILLE, CA 95542
PROJECT LOCATION:
26092 DYERVILLE LOOP ROAD
GARBERVILLE, CA 95542



PLAN VIEW
1"=80'
0 90 180
SCALE IN FEET



REV	DATE	DESCRIPTION	DWN BY	DES BY	CHK BY	APP BY

SEEKING ROOTS, LLC.
PO BOX 162
GARBERVILLE, CA 95542
PLOT PLAN
HUMBOLDT COUNTY, CALIFORNIA

DATE OF ISSUE:	JUNE 2017
DRAWN BY:	DOMINICK
CHECKED BY:	J. McKNIGHT
APPROVED BY:	TVCE
PROJECT NO.:	1067
DRAWING NO.:	C01

SCALE: AS SHOWN

- CULTIVATION NOTES
- THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 800' OF CULTIVATION AREAS.
 - THERE ARE NO OFFSITE RESIDENCES WITHIN 300' OF CULTIVATION AREAS.

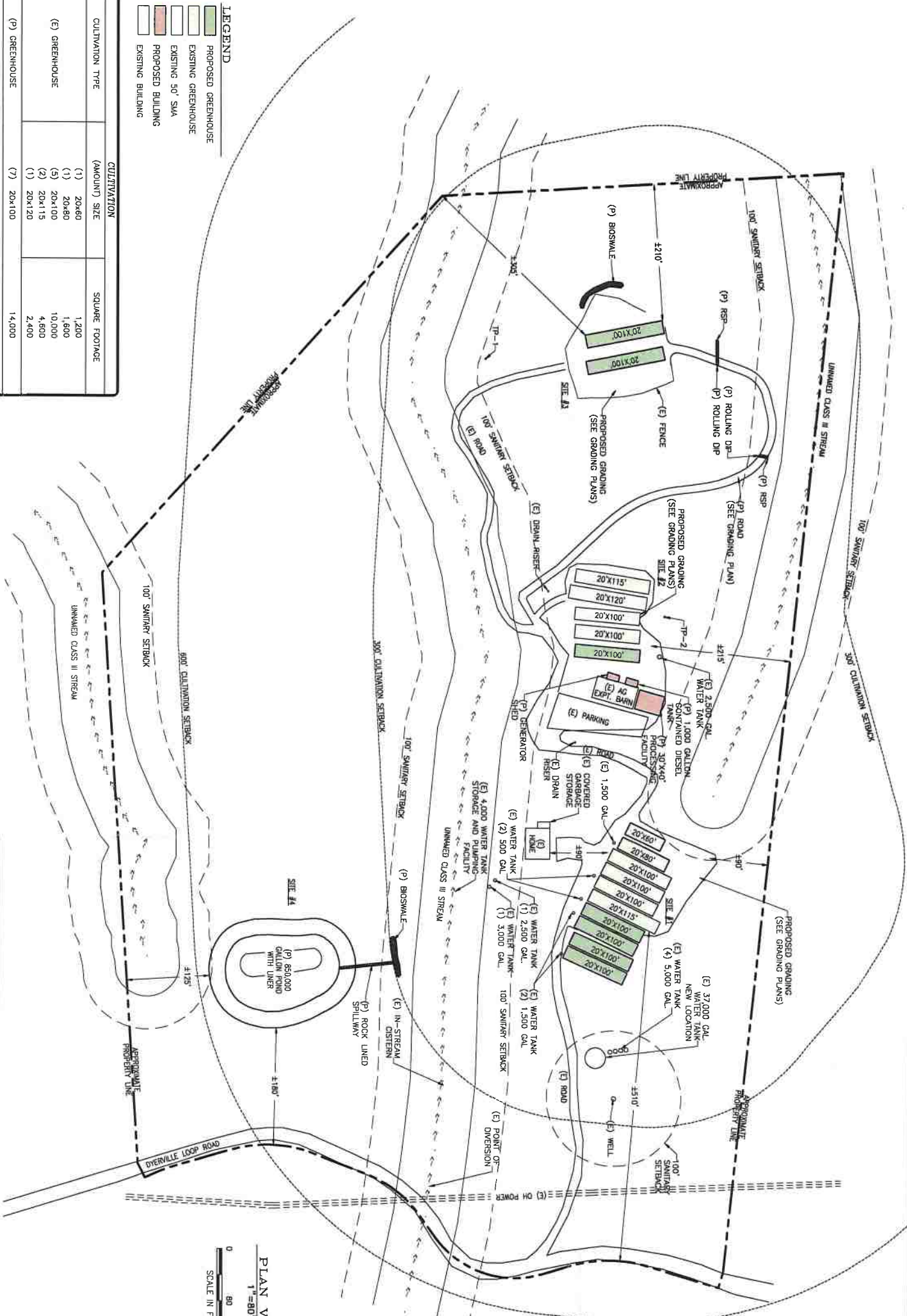
EXISTING STRUCTURE NOTES			
HOME	BUILT 2006-2009		
37,000 GAL. WATER TANK	BUILT 2006-2009		
BARN	BUILT 2013		

TOTAL GRADING ACTIVITY			
NUMBER	CUT (CY)	FILL (CY)	DISTURBANCE (ACRES)
SITE 1	202.89	202.89	0.30
SITE 2	377.16	377.16	0.24
SITE 3	1,213.17	1,213.17	0.54
SITE 4	7,398.48	7,398.48	0.16
(P)ROAD	1,270.17	1,270.17	0.43
TOTAL	10,461.77	10,461.77	1.67

CULTIVATION		
CULTIVATION TYPE	(AMOUNT) SIZE	SQUARE FOOTAGE
(1) GREENHOUSE	(1) 20x60	1,200
(1) GREENHOUSE	(1) 20x80	1,600
(5) GREENHOUSE	(5) 20x100	10,000
(2) GREENHOUSE	(2) 20x115	4,600
(1) GREENHOUSE	(1) 20x120	2,400
(7) GREENHOUSE	(7) 20x100	14,000
TOTAL CULTIVATION:		33,800SF

WATER STORAGE	
WATER STORAGE TYPE	AMOUNT (GAL.)
(3) WATER STORAGE TANKS	1,500
(2) WATER STORAGE TANKS	2,500
(1) WATER STORAGE TANKS	500
(1) WATER STORAGE TANKS	3,000
(1) WATER STORAGE TANKS	37,000
RAINWATER IMPROVEMENT STRUCTURE	850,000
TOTAL:	917,000 GALLONS

- LEGEND
- PROPOSED GREENHOUSE
 - EXISTING GREENHOUSE
 - EXISTING 50' SIA
 - PROPOSED BUILDING
 - EXISTING BUILDING



PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALIFRE REQUIREMENTS
PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA ORDINANCE REQUIREMENTS AND CALIFRE REQUIREMENTS

SRA REQUIREMENTS

GENERAL NOTES

WATER, WELL/ STREAM
WASTEWATER, ONSITE SEPTIC
PHONE, FRONTIER
TREES/STREAMS, UNWAMED CLASS III WATERCOURSE TO DEAN CREEK
TREES TO BE REMOVED: NONE
GRADING: AS SHOWN - SEE GRADING PLAN

SURVEY NOTES

A FIELD SURVEY FOR TOPOGRAPHIC PURPOSES WAS CONDUCTED BY TRINITY VALLEY CONSULTING ENGINEERS (TVCE) ON MARCH 2018. A BOUNDARY SURVEY WAS NOT CONDUCTED. ALL PROPERTY LINES DERIVED ON THESE PLANS REFLECT APPROXIMATE LOCATIONS BASED ON COUNTY RECORDS.

Seeking Roots, LLC

PLOT plan

APN: 223-010-002

Cultivation area-

Existing: 9600 sq. ft.
Proposed: 20,800 sq. ft.

Water storage-

Existing: 64,300 gallons of water tank storage
Proposed: 134,300 gallons of water tank storage + ~700,000 gallon pond



VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION:

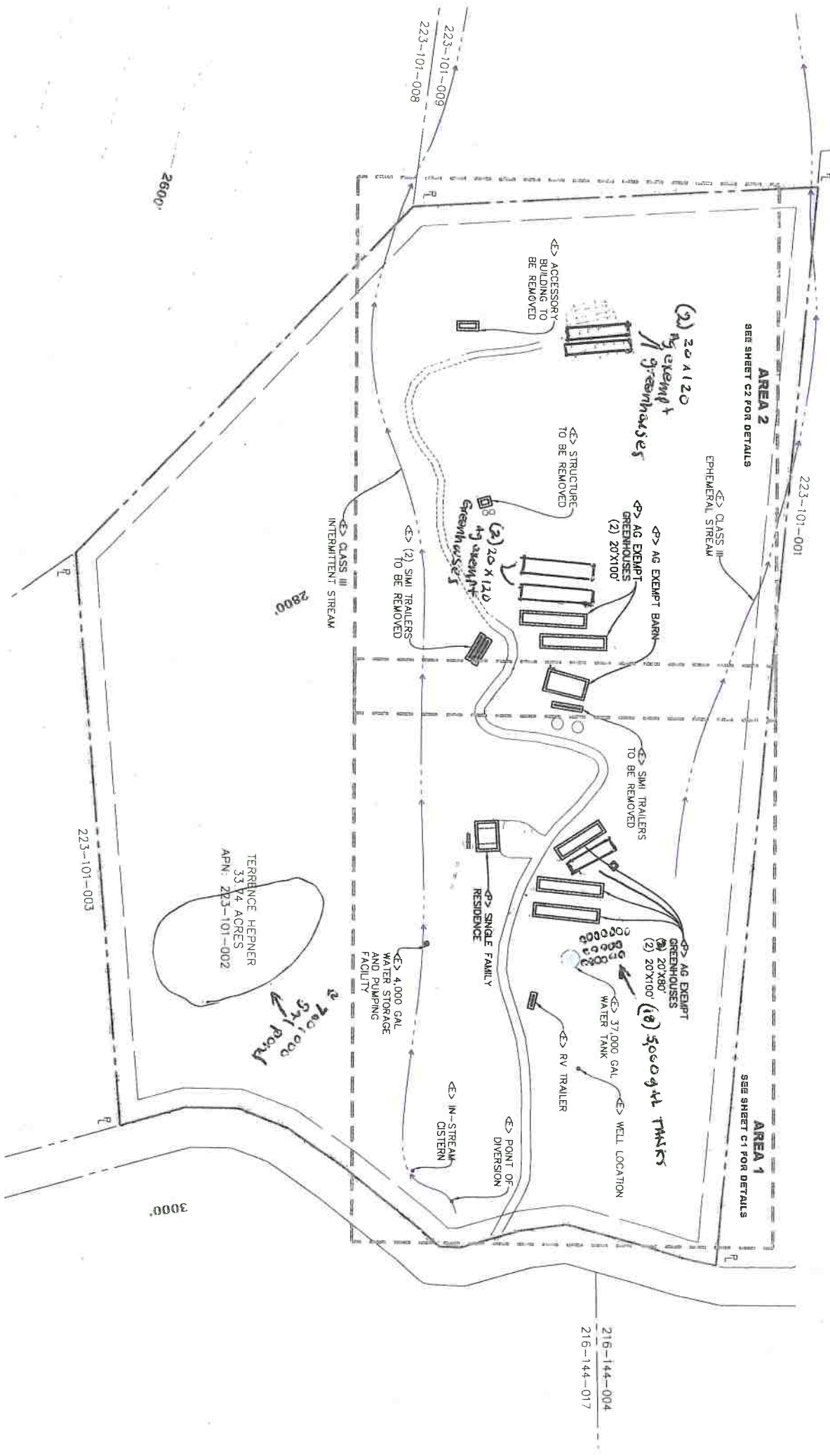
CLIENT:
TERRENCE HEPNER
26092 DYERVILLE RD
GARBERVILLE, CA 95542

OWNERS AGENT:
MANHARD CONSULTING
611 "F" STREET, SUITE A
EUREKA, CA 95501
(707) 444-3800

SITE ADDRESS:
APN: 223-101-002
26092 DYERVILLE RD
GARBERVILLE, CA 95542

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
C0	PLOT PLAN, VICINITY MAP, & PROJECT NOTES
C1	AREA 1 MAP
C2	AREA 2 MAP



PLOT PLAN

11x17 SHEET, 1"=200'
0 50 100 200
NORTH

NOTE: LOCATIONS OF PROPERTY BOUNDARY LINES ARE APPROXIMATE

Manhard CONSULTING
611 "F" Street, Suite A, Eureka, CA 95501 | tel: (707)444-3800 fax: (707)444-3800 www.manhard.com
Civil Engineers - Surveyors - Water Resources Engineers - Water & Wastewater Engineers
Construction Managers - Environmental Scientists - Landscape Architects - Planners

DATE	REVISIONS	DRAWN BY

TERRENCE HEPNER / APN: 223-101-002	
26092 DYERVILLE RD, GARBERVILLE, CA 95542	
WRPP PLOT PLAN, VICINITY MAP AND NOTES	
PROJECT NO.	
DATE	07-27-16
SCALE	AS SHOWN
SHEET	

C0
NOT FOR CONSTRUCTION

APN: 223-101-002

1. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF PROJECT CONSTRUCTION, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, AND THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND SHALL NOT BE LIMITED TO NORMAL WORKING HOURS.

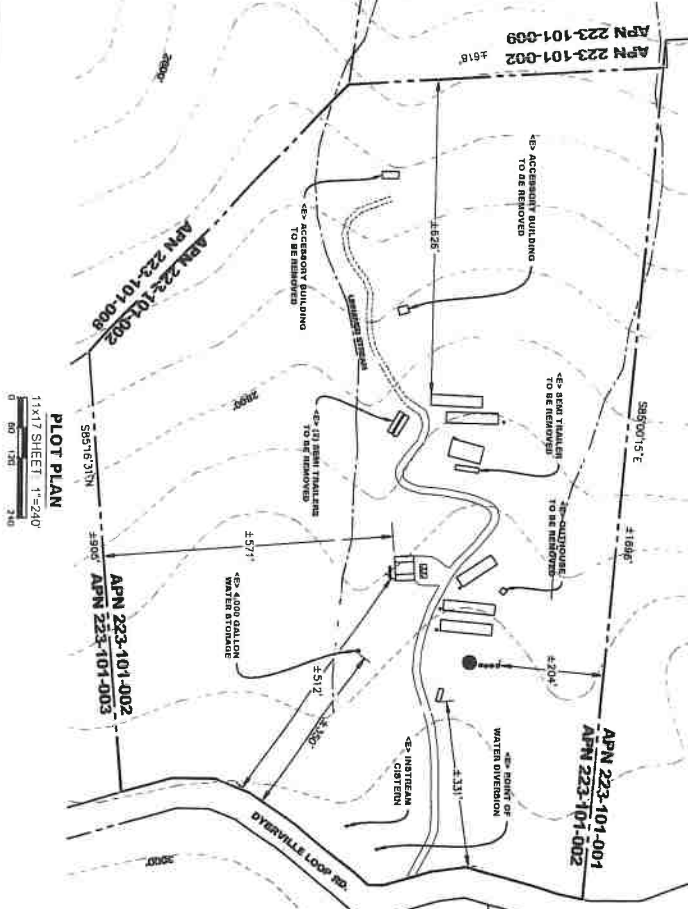
CLIENT
TERENCE WEBB

13525 CRONESE ROAD
APPLE VALLEY, CA 92308
760-240-6626

OWNERS AGENT
MANHARD CONSULTING
611 7th STREET, SUITE A
EUREKA, CA 95501
(707) 444-3800

APN 223-101-002
26092 DYERVILLE LOOP R
GARDENVILLE, CA 95542

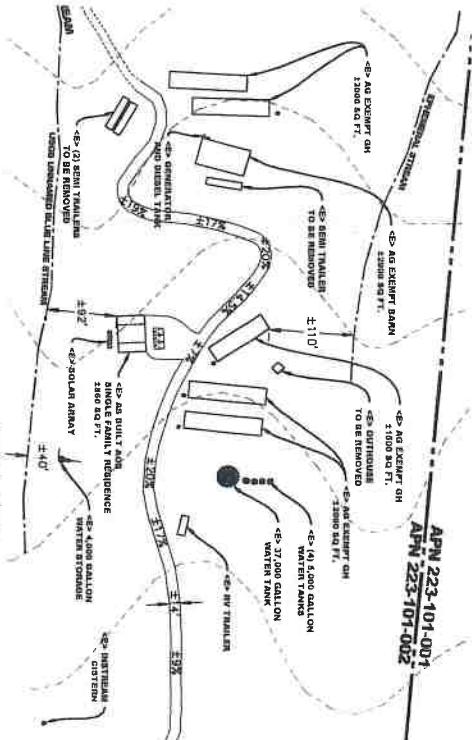
HEAD SOUTH ON US-101 TOWARD SAN FRANCISCO
-JUNE EXIT 639-B TOWARDS GARBENVILLE.
-TAKE FIRST RIGHT ON ALDERPOINT RD.
-CONTINUE ON ALDERPOINT RD. FOR APPROX. 7 MILES.
-TURN LEFT ON DYERVILLE LOOP RD. AND
CONTINUE FOR APPROX. 2.2 MILES.
-GATE TO PROPERTY WILL BE ON LEFT HAND SIDE.



! THESE NOTES SHALL APPLY TO ALL DRAWINGS
UNON GR SHOWN

2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE ALTERNATING OWNER BUILDER PERMIT REQUIREMENTS OF HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENTS AND APPLICABLE CODES AND THE LATEST CORRESPONDING EDITIONS OF THE FOLLOWING CALIFORNIA CODES: MECHANICAL (CMC), ELECTRICAL (CEC), PLUMBING (CPC), MECHANICAL (CMC), AND THE CALIFORNIA FIRE CODE (CFC).
3. FEATURES OF CONSTRUCTION SHALL BE TYPICAL AND SHALL APPLY GENERALLY THROUGHOUT THE PROJECT UNLESS SPECIFIC NOTES INDICATE OTHERWISE. THE CONTRACTOR SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
4. FOLLOW MANUFACTURER'S SPECIFICATIONS AND INSTALLATION INSTRUCTIONS FOR ALL HOLIDOMS, ANCHOR BOLTS, AND ALL OTHER SPECIFIED CONNECTORS.
5. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
6. ALL WORK SHALL BE PERFORMED BY A STATE OF CALIFORNIA LICENSED CONTRACTOR.
7. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FROM THE HUMBOLDT COUNTY PUBLIC WORKS AND OTHER APPLICABLE AGENCIES.
8. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND GRADES AT JOB SITE BEFORE PRECEDING AND IMMEDIATELY CONTACT THE ENGINEER WITH ANY DISCREPANCIES.
9. UNDERGROUND SERVICE ALERT (USA) - CALL BEFORE YOU DIG - 1-800-661-2444 AT LEAST 48 HOURS BEFORE EXCAVATION.
10. ENGINEER MAY MODIFY LOCATION, QUANTITY, AND TYPE OF EROSION CONTROL MEASURES AT ANY TIME OF GRADING DEPENDING ON SITE CONDITIONS AND THE PROTECT PROCEEDS.
11. IN PARCEL BOUNDARIES AND BUILDING LOCATIONS ARE APPROXIMATE.

11x17 SHEET: 1"=160'



1. THE PROPOSED PROJECT IS AS BUILT PERMITTING FOR AN EXISTING DEVELOPMENT WITHOUT THE BENEFIT OF COUNTY REVIEW. THE APPLICANT IS PROPOSING TO PERMIT THE FOLLOWING BUILT FOR TWO STORY SINGLE FAMILY RESIDENCE APPROX 860 SQ FT. APPROX 21 FT. TALL. A 3 STORY AS EXISTED BARN APPROX. 2,000 SQ FT. AND APPROX 34 FT. TALL. FIVE (5) AC EXISTED GREEN HOUSES SEVEN (7) WATER STORAGE TANKS INDICATED ON THE PLOT PLAN. STRUCTURES ARE TO BE REMOVED AS INDICATED IN THE APPLICATION ALSO INCLUDES REVIEW AND INSTALLATION OF AN EXISTING SEPTIC SYSTEM.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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NORTH

SHEET A0	Title TERRENCE HEPNER: PLOT PLAN; APN:223-101-002
	Date 26092 DYERVILLE RD GARBERVILLE, CA 95542
	Plot Plan, V PLOT PLAN, V
	Y Map & Notes Y MAP & NOTES



Manhard
CONSULTING
P.O. Box 1000, Suite 1000 • St. Louis, MO 63103 • Tel: 314-433-1000 • Fax: 314-433-1001
E-Mail: info@manhard.com • Website: www.manhard.com



Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

RE: Seeking Roots LLC– Humboldt County APPS 10871– APN: 223-101-002

March 16th, 2021

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for Seeking Roots LLC, APPS #10871, APN: 223-101-002.

Water Storage

Water Storage Type	Size (gallons)	Quantity	Total (gallons)
HDPE Tank	5,000	24	120,000
HDPE Tank	2,500	1	2,500
HDPE Tank	1,500	4	6,000
Bladder	50,000	1	50,000
Tank	37,000	1	37
HDPE Tank	1,000	1	1,000
HDPE Tank	3,000	1	3,000
HDPE Tank	1,200	3	3,600
Total			223,100

Water Source

The Applicant has a permitted ground water well and a permitted surface diversion.

Cultivation Area (light deprivation outdoor)

GOA

GOA is a 55'x20' (1,110 ft²) structure.

GOB

GOB is a 60'x20' (1,200 ft²) structure.

Hoop House 1

Hoop House 1 is a 115'x20' (2,300 ft²) structure.

Hoop House 2

Hoop House 2 is a 100'x20' (2,000 ft²) structure.

Hoop House 3

Hoop House 4 is a 100'x20' (2,000ft²) structure.

Hoop House 4

Hoop House 4 is a 100'x20' (2,000 ft²) structure.

Hoop House 5

Hoop House 5 is a 80'x20' (1,600 ft²) structure.

Hoop House 6

Hoop House 6 is a 60'x20' (1,200 ft²) structure.

Hoop House 7

Hoop House 7 is a 100'x20' (2,000 ft²) structure.

Hoop House 8

Hoop House 8 is a 120'x20' (2,400 ft²) structure.

Hoop House 9

Hoop House 9 is a 120'x20' (2,400 ft²) structure.

Hoop House 10

Hoop House 10 is a 120'x20' (2,400 ft²) structure.

Hoop House 11

Hoop House 11 is a 120'x20' (2,400 ft²) structure.

Hoop House 12

Hoop House 12 is a 115'x20' (2,300 ft²) structure.

Hoop House 13

Hoop House 13 is a 23'x6.5' (149.5 ft²) structure.

Hoop House 14

Hoop House 14 is a 32'x6.5' (208 ft²) structure.

Hoop House 15

Hoop House 15 is a 50'x6.5' (325 ft²) structure.

Hoop House 16

Hoop House 16 is a 78'x6.5' (507 ft²) structure.

Hoop House 17

Hoop House 17 is a 36'x6.5' (234 ft²) structure.

Hoop House 18

Hoop House 18 is a 20'x6.5' (130 ft²) structure.

Immature Plant Area

Nursery 1

Nursery 1 is a 65'x7' (455 ft²) structure.

Nursery 2

Nursery 2 is a 45'x7' (315 ft²) structure.

**APP #10871
CASE #CUP16-097**

SEEKING ROOTS, LLC

APN: 233-101-002

SUPPLEMENTAL SUBMISSION

Submitted by:
Jeffrey Slack, Esq.
Janssen Malloy LLP
730 - 5th Street
Eureka, California 95501
707-445-2071
jslack@janssenlaw.com / lames@janssenlaw.com



APP #10871
CASE #CUP16-097

DOCUMENTS LIST

1. Cultivation, Operations & Security Plan

CULTIVATION, OPERATIONS & SECURITY PLAN

CULTIVATION AND OPERATIONS PLAN

1. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage

WATER SOURCE AND STORAGE: Applicant has a permitted well with well-production of 6 gallons per minute. Well was permitted in August 2015 and California Department of Fish and Wildlife deemed the well non-jurisdictional.

Water for primary domestic use is diverted from one POD and is offset during the summer months from the well. Applicant has applied for a Lake and Streambed Alteration Agreement with CDFW and a small domestic use permit through the State Water Resources Control Board for domestic use. A 150-day forbearance period has been proposed with a total of 34,000 gallons of water storage to meet domestic use during forbearance. Applicant has a total of 61,000 gallons of hard storage currently on site. Tank levels are regulated using float valves that redirect flow back to the drainage course and prevent overflow at the tanks. Currently, 37,000 gallons of rainwater is collected by large steel water tank and supplemented by rainfall throughout the year.

Applicant has proposed a pond to be constructed on the property that will supplement cannabis cultivation irrigation needs. The proposed pond's capacity is 900,000 gallons and will be fed by rainwater and excess groundwater. The dimensions of the pond will provide enough surface to collect 900,000-gallon capacity of rainwater during a normal rain year. Once implemented, the rain-water fed pond will be the exclusive source of irrigation water for cannabis cultivation on the property.

IRRIGATION PLAN: Applicant has installed a drip irrigation system for cultivation that is expected to save over 200 gallons/day. A timer connection prevents overwatering and manual shutoff prevents watering before, during, and after rain events. Plants are irrigated at agronomic rates. Applicant intends to mulch to increase water retention. During spring, summer and fall months, growing plants are hand watered every fourth day with nutrient water and dripped every other day with fresh water with usage increasing at peak growth rates. The final two weeks before harvesting plants are not given fertilizers and are only fresh water fed. Water meters will be installed at the greenhouses to monitor water use for cultivation and reported at the end of the year.

PROJECTED WATER USAGE: During the growing season, Applicant expects water usage to be between 900 and 1000 gallons per day. Between the growing season of May through October, Applicant expects to use approximately 218,000 gallons of water. Applicant expects to use approximately 16,500 gallons in March and April. Total projected water use for cannabis cultivation is 235,000 gallons of water. Applicant uses cover crops and other permaculture techniques to improve soil and water retention to conserve water. Household usage is approximately 2,000 gallons of water per month.

Applicant has historically cultivated 34,000 sq. ft. of cultivation area on the property, but is currently cultivating 9,600 sq. ft. due to required forbearance. Once 900,000-gallon rainwater catchment pond is permitted and implemented, Applicant's water usage is expected to increase to approximately 878,400 gallons of water during the growing season.

2. Description of site drainage, including runoff and erosion control measures

SITE DRAINAGE: Currently, cultivation activities are approximately 150-250 feet away from intermittent class III streams and greater than 100 feet from class III ephemeral streams. There are no stream crossings on the property. Drainage flows to the west of the property.

RUNOFF AND EROSION CONTROL MEASURES: Applicant is in the process of out sloping, rocking, and installing rolling dips on roads to prevent any gullies or potential discharge to the stream system. Water bars will be installed on roads to treat gullying and concentrated road runoff. Applicant will maintain a stable vegetated buffer between the cultivation areas and the riparian zone. Currently, there are no dirt spoil piles existing or anticipated on the property. Any future spoils will be placed in designated areas where they cannot be transported to surface water. Spoils will be contained or stabilized with erosion and sediment control BMPs such as vegetated buffers, rocking, or straw waddles to prevent sediment delivery to surface waters.

3. Details of measures taken to ensure protection of watershed and nearby habitat

PROTECTION OF WATERSHED AND HABITAT: Applicant will employ water conservation measures such as drip and timer systems to conserve water and will maintain at least a 100-foot buffer between cultivation related activities and riparian zones. Any trailers or other materials within that 100 buffer will be removed.

CULTIVATION RELATED WASTE: Vegetative matter such as branches and leaves are kept in garbage cans located in the barns and then burned onsite. Soils in beds will be left in place and planted with cover crop to minimize waste. All packaging from soil amendments and fertilizers will be collected and disposed of at an appropriate facility. Applicant recycles where appropriate and separates recyclables.

REFUSE AND HUMAN WASTE: Applicant is in the process of improving and permitting an existing septic system. Garbage is stored inside the garage to prevent discharge to receiving waters until the garbage can be disposed of at an appropriate waste facility.

4. Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized

STORAGE OF FARM PRODUCTS: Fertilizers and soil amendments are currently being stored in an on-site barn. All liquid fertilizers have been placed in bins, or other secondary containers. The barn has a concrete floor and is covered and locked when not in use. Applicant uses only certified organic soil amendments and fertilizers. Applicant uses all products according to the labels, and the products are stored in their original packaging attached or affixed to secondary containers. Applicant will record soil amendment and fertilizer use for reporting at the end of the year.

Pesticides are kept in the on-site barn. Currently, Applicant is using sulphur smoke, a fungicide which is permitted for use on cannabis, and Neem Oil, an organic product. Application rates will be tracked and reported at the end of the year.

PETROLEUM PRODUCTS: Currently, there is a 1,000 gallon diesel tank near the barn that has secondary containment. Two other large tank fuel tanks are located next to a shed on the property. There is one large generated on site next to the barn that has built in secondary containment. Applicant intends to phase out the use of petroleum products by installing on-site solar energy and battery energy storage. Applicant will ensure that all petroleum products are housed in secondary containment until phased out.

5. Description of cultivation activities (e.g. outdoor, indoor, mixed light)

CULTIVATION ACTIVITIES: Applicant has historically cultivated up to 34,000 sq. ft. using both mixed light and outdoor cultivation. Current agriculture consists of four 20 foot x 100 foot greenhouses and one 20 foot x 80 foot greenhouse. As stated above, application will return the cultivation area to 34,000 sq. ft. once 900,000 gallon rainwater catchment pond is permitted and implemented. At present, Applicant does two cycles using "light deprivation" cultivation. Starts are purchased off site and grown in beds in the

greenhouses. They are then rotated outside to the outdoor cultivation area. Plants are grown in a soil mix and supplemented with soil amendments and fertilizers. Fertilizers and water are mixed into “tea” tanks and applied with every watering. Applicant also has a fruit tree orchard on site as part of the landscape.

Safety information and procedures are posted in the barn and garden areas. Employees are trained to follow product application rates, safety standards for equipment and basic safety work conditions.

6. Schedule of activities during each month of the growing and harvesting season.

January – February – March

- Apply mulching, soil building, plant cover crops
- Purchase starts of desired strains
- Landscape and prepare beds and greenhouses for planting
- Clones arrive in mid-March. Pot clones and starts
- Attach greenhouse tarp covers
- Amend soil using Dr. Earth and other soil amendments
- Weed whack and till cover crop and amend into soil.
 - Approximate generator use: 200 hours

April

- Water in soil and begin planting around April 15th
- Water each greenhouse every other day
- Apply nutrient feed with every other watering.
- Begin constructing trellis system for plants
 - Approximate generator use: 450 hours

May

- Continue water each greenhouse plants every other day
- Continue planting
 - Approximate generator use: 450 hours

June

- Water each greenhouse every other day and nutrient feed with every other watering
- Begin pulling tarps
 - Approximate generator use: 450 hours

July

- Water each greenhouse every other day and nutrient feed with every other watering
- Pull tarps for light deprivation
- Begin de-leafing plants
 - Approximate generator use: 450 hours

August

- Water each greenhouse every other day and nutrient feed with every other watering
- Pull tarps for light deprivation
- Begin harvesting
- Replanting
- Trimming

- Approximate generator use: 720 hours

September

- Water each greenhouse every other day and nutrient feed with every other watering
- Pull tarps for light deprivation
- De-leaf plants
- Trim and manicure harvested plants

October

- Water each greenhouse every other day and nutrient feed with every other watering
- Begin harvesting second cycle
- Hang and dry plants
- Continue to trim and manicure harvested plants

November

- Trim and manicure harvested plants
- Conduct end of year reporting
- Clean and landscape areas used in cultivation

December

- End of year reporting

7. Processing Plan

PROCESSING: Applicant is in the process of permitting a processing building in which all processing will be done and is built to commercial building standards and food grade handling standards. ADA facilities, handwashing facilities and bathrooms to support approximately 20 employees, as well as supplies for cleanliness and sanitation. Hand sanitizing liquid, gloves, potable water, and face masks shall be provided to employees.

Processing is currently done in an agricultural storage building. The dry rooms and processing facilities are sanitized after every use using organic cleaning products so that they are free of molds and other contaminants.

During harvesting months, the climate in the area is warm and dry and conducive to air drying the harvested plants. Humidity and temperature are monitored to ensure proper conditions for curing. Flower is then trimmed and separated and packaged in one pound increments. Trim is gathered for secondary manufacturing market.

Applicant is in the process of contracting with Humboldt Sun Growers Guild for its distribution.

8. Security Plan

SECURITY FEATURES: There is fencing located on the interior of the property and surrounding the cultivation areas. One main driveway entrance is the only access point for vehicles. There is a gate on the main driveway that is ram proof and is locked using a keypad locking mechanism. The owner of the property is the only person with the keypad combination. The keypad combination is changed annually. Visitors are "buzzed" in remotely and a security camera has been installed facing the gated entrance. All

sensitive areas (i.e. cultivation and processing areas) are locked and there is a secure area inside the processing facility where all finished product is stored.

Applicant's plan for the commercial processing building will include additional security features including a vault and security cameras in and around the processing area.



DIRECTIONS TO SITE:
FROM EUREKA, CA
-HEAD SOUTH ON US-101 TOWARD SAN
-TAKE EXIT 639.8 TOWARDS
GARBERVILLE.
-TAKE FIRST RIGHT ON ALDERPOINT RD. FOR
APPROX. 7 MILES.
-CONTINUE LEFT ON DYERVILLE LOOP RD. AND
-TURN LEFT FOR APPROX. 2.2 MILES.
-PROPERTY WILL BE ON LEFT
HAND SIDE.

- CONTRACTOR NOTES:**
1. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF PROJECT CONSTRUCTION, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THE CONTRACTOR SHALL REQUIREMENT SHALL APPLY CONTINUOUSLY AND SHALL NOT BE LIMITED TO NORMAL WORKING HOURS.
 2. THE CONTRACTOR SHALL DEFEND, MODERATE, AND HOLD THE BUILDING DESIGNER / ENGINEER HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, IN CONNECTION WITH THE PERFORMANCE OF THE PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE BUILDING DESIGNER / ENGINEER.
 3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS DERIVED FROM THE BUILDING DESIGNER'S PLANS AND PRIOR TO COMMENCING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE BUILDING DESIGNER / ENGINEER PRIOR TO PROCEEDING WITH WORK.

HEPNER

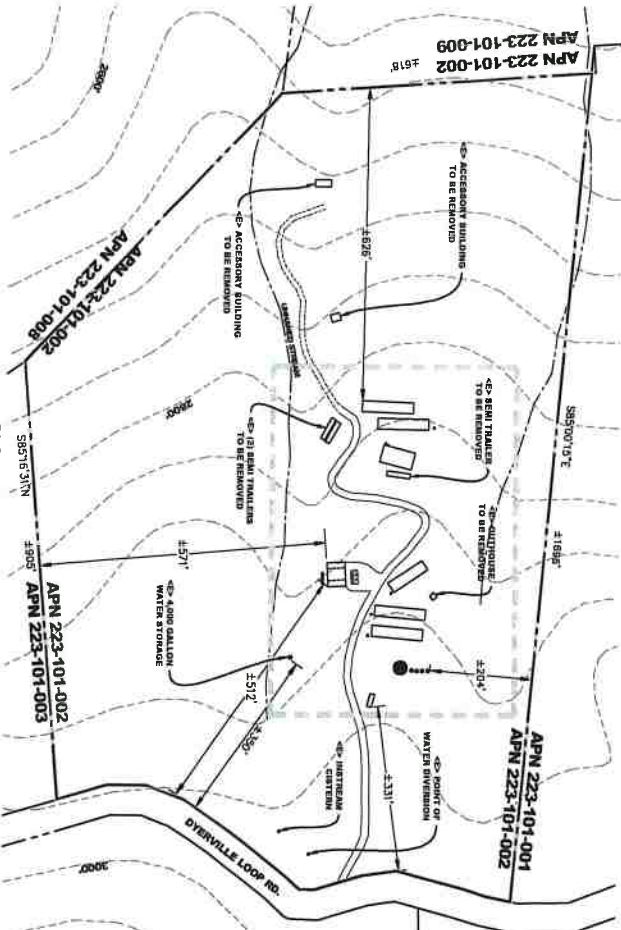
APN: 223-101-002

PROJECT INFORMATION:

CLIENT:
TERRENCE HEPNER
1525 GROUSE ROAD
APN 223-101-002
GARBERVILLE, CA 95542
760-240-6626

OWNER:
MANHARD CONSULTING
6111 T STREET, SUITE A
EUREKA, CA 95501
(707) 444-3800

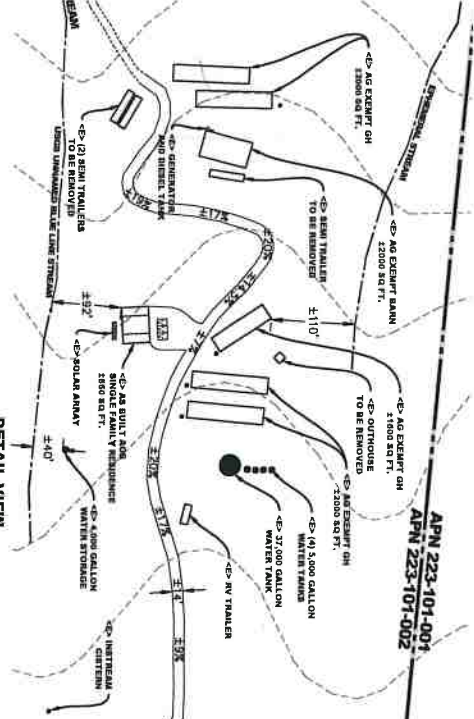
SITE ADDRESS:
APN 223-101-002
26092 DYERVILLE LOOP RD.
GARBERVILLE, CA 95542



GENERAL NOTES:

1. THESE NOTES SHALL APPLY TO ALL DRAWINGS U.O.N. OR SHOWN.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE ALTERNATIVE OWNER BUILDER PERMIT REQUIREMENTS OF HUMBOLDT COUNTY PLANNING AND BUILDING DEPARTMENT AND APPLICABLE CODES (CBC), AND THE LATEST CORRESPONDING EDITIONS OF THE FOLLOWING CALIFORNIA CODES: MECHANICAL (CMC), ELECTRICAL (CEC), PLUMBING (CPC), ENERGY (CEC), AND THE CALIFORNIA FIRE CODE (CFC).
3. FEATURES OF CONSTRUCTION SHOWN ARE TYPICAL AND SHALL APPLY GENERALLY. NOTES AND DETAILS ON STRUCTURAL DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
4. FOLLOW MANUFACTURER'S SPECIFICATIONS AND INSTALLATION INSTRUCTIONS FOR ALL HOLDINGS, ANCHOR BOLTS, AND ALL OTHER SPECIFIED CONNECTIONS.
5. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
6. ALL WORK SHALL BE PERFORMED BY A STATE OF CALIFORNIA LICENSED CONTRACTOR.
7. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FROM THE HUMBOLDT COUNTY PUBLIC WORKS AND OTHER APPLICABLE AGENCIES.
8. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND GRADES AT JOB SITE BEFORE PRECEDING, AND SHALL CONTACT THE ENGINEER IMMEDIATELY WITH ANY DISCREPANCIES.
9. UNDERGROUND SERVICE ALERT (USA) - CALL TOLL FREE 1-800-672-2444 AT LEAST 48 HOURS PRIOR TO EXCAVATION.
10. ENGINEER MAY MODIFY LOCATION, QUANTITY, AND TYPE OF EROSION CONTROL MEASURES AT ANY TIME DEPENDING ON SITE CONDITIONS AS THE PROJECT PROCEEDS.
11. PARCEL BOUNDARIES AND BUILDING LOCATIONS ARE APPROXIMATE.

DETAIL VIEW



PROJECT DESCRIPTION:

1. THE PROPOSED PROJECT IS AS BUILT PERMITTING FOR AN EXISTING DEVELOPMENT. THE PROJECT IS PROPOSED TO PERMIT THE FOLLOWING:
 - AS BUILT AOB TWO STORY SINGLE FAMILY RESIDENCE APPROX 880 SQ FT. AND A 3 STORY AG EXEMPT BARN APPROX. 2,000 SQ FT. AND APPROX 34 FT TALL.
 - FIVE (5) AG EXEMPT GREEN HOUSES.
 - SEVEN (7) WATER STORAGE TANKS.
 - ONE (1) WATER TANK.
 - ONE (1) WATER STORAGE.
2. THIS APPLICATION ALSO INCLUDES REVIEW AND PERMITTING OF AN EXISTING SEPTIC SYSTEM.
3. TREES TO BE REMOVED = 0
4. EARTHWORK QUANTITIES = 0
5. WATER = PRIVATE
6. SEWER = PRIVATE
7. PARCEL SIZE = 3.34 ACRES
8. ZONING = AE-B-6, AL-60 (TRWK)
9. BUILDING STRIKES:
 - FRONT = 20'
 - SIDE = 5'
 - REAR = 5'
 - MAX. BLDG. HT = NONE
 - MAX. GROUND COVERAGE = 40%
10. SRA AREA:
 - IN COASTAL ZONE = YES
 - IN 100 YR FLOOD ZONE = NO



TERRENCE HEPNER: PLOT PLAN; APN:223-101-002	
26092 DYERVILLE RD GARBERVILLE, CA 95542	
PLOT PLAN, VICINITY MAP & NOTES	
SHEET	10
DATE	11-14-20
BY	AL-60
CHECKED	AL-60
APPROVED	AL-60



NO.	REVISION	DATE

PRELIMINARY DESIGN: FOR REVIEW ONLY



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION *H502193*

CERTIFICATE *H100333*

Right Holder: *Jeremiah Hepner*
PO Box 162
Garberville, CA 95542

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from *10/16/2018*. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
POD	Unnamed Stream	Dean Creek	South Fork Eel River	40.131797	-123.704385	Humboldt	223-101-002

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation	Humboldt	223-101-002	0.7

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on *11/19/2018*.

The place of use is shown on the map filed on *11/19/2018* with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **1.88736603 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 4.50855 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

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

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

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

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

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

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

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

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

Dated: 11/19/2018 07:39:18

© 2018 - State Water Resources Control Board

North Coast Regional Water Quality Control Board

September 24, 2019

WDID:1_12CC417190

SEEKING ROOTS, LLC
ATTN: JEREMIAH HEPNER
PO BOX 162
GARBERVILLE, CA 95542

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

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

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

Sincerely,

2019.09.25 10:17:47 PDT


On Behalf Of


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

190924_2L_1_12CC417190_1B16182CHUM_Seeking_Roots_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, SEEKING ROOTS, LLC, HUMBOLDT COUNTY APN(s) 223-101-002-000

Seeking Roots, LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on June 13, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC417190**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16182CHUM.

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

1. FACILITY AND DISCHARGE DESCRIPTION

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

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

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

2. SITE-SPECIFIC REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

3. TECHNICAL REPORT REQUIREMENTS

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

A Site Management Plan, by September 10, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

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

4. MONITORING AND REPORTING PROGRAM

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

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

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

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

5. ANNUAL FEE

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

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

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

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

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

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Comments	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
CAL FIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Comments	Attached and staff response is included
Bear River Band of the Rohnerville Rancheria	✓	Further Study	On file and confidential
Sinkyone Tribe		No Response	
Northwest Information Center		No Response	
Southern Humboldt Joint Unified School District		No Response	
Garberville Fire Protection District		No Response	
Humboldt County Sheriff		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Regional Water Quality Control Board		No Response	



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



8/24/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Garberville Fire Protection District Fire Protection District, Sinkiyone Tribe, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Seeking Roots, LLC **Key Parcel Number** 223-101-002-000

Application (APPS#) 10871 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-097

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

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

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

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

Return Response No Later Than 9/8/2017

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: see Attached Referral Comments

DATE: 11/1/17

PRINT NAME: Patak Rng

223-101-02



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44 952
Parcel No.: 223.107-002-00
Case No.: Cup 16097

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

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

Name: Pete McG

Date: 11/1/17

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

Crenshaw-Pepke, Leah

From: Crenshaw-Pepke, Leah
Sent: Monday, October 16, 2017 3:50 PM
To: 'Jeff Slack'
Subject: RE: Re: APPS #10871 APN: 223-101-002

Jeff,

I got your email and will forward the information on to planners and the inspector.

Thank you,



LEAH CRENSHAW-PEPKE
Office Assistant
Planning and Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501
707.445.7245

From: Jeff Slack [<mailto:jslack@janssenlaw.com>]
Sent: Monday, October 16, 2017 3:12 PM
To: Crenshaw-Pepke, Leah
Subject: FW: Re: APPS #10871 APN: 223-101-002

Hi Leah,

This is the email I mentioned in our phone call today.

Thanks,

JS

From: Jeff Slack
Sent: Monday, October 16, 2017 3:07 PM
To: 'cannabis@co.humboldt.ca.us' <cannabis@co.humboldt.ca.us>
Subject: Re: APPS #10871 APN: 223-101-002

My office received the attached project transmittal letter. The client would like to amend portions of the project description contained in the letter.

In particular, the client would request that the project description be updated to reflect that the proposed pond's capacity will be 850,000 gallons. The applicant is applying for 37,000 sq. ft. of pre-existing cannabis cultivation on the site.

Regards,

Jeff Slack

JEFFREY SLACK. ESQ.

Janssen Malloy LLP

730 – 5th Street

PO Box 1288

Eureka, CA 95501

Telephone: 707-445-2071

Facsimile: 707-445-8305

jslack@janssenlaw.com

New Treasury Regulations require us to inform you that any tax advice used in this communication was not intended or written by the practitioner to be used (1) to avoid penalty that may be imposed under federal tax law, or (2) for promotion, marketing or recommending to another person the transaction(s) or matter(s) addressed herein. If you intend to seek tax advice then you should seek advice based on your particular circumstances from an independent tax advisor.

This message and any attachments are intended for the sole use of the individual and entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended addressee nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by contacting the sender at 707-445-2071 and then deleting the message and its attachments. Thank you for your respect to privacy.



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

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

DEH received
8-25-17

Project Referred To The Following Agencies:

17/18-0444

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Garberville Fire Protection District Fire Protection District, Sinkyone Tribe, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Seeking Roots, LLC **Key Parcel Number** 223-101-002-000

Application (APPS#) 10871 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-097

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED
3-21-18

Comments:

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

One well is shown on the site plan from Trinity Valley Consulting Engineers, Inc. **Legalize or destroy the well:** Provide documentation to verify legal non-conforming status, retroactively permit the wells or complete a well destruction permit for each well.

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



Apps# 10871
cont.

PLN-10871-CUP Seeking Roots, LLC



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

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

LAND USE

445-7205



LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer *KF*

DATE: 2-06-2018

RE:

Applicant Name	Seeking Roots, LLC
APN	223-101-002
APPS#	10871

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Public Works Recommended Conditions of Approval

APPS # 10871

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

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

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

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

Page 67

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: August 29, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Seeking Roots, LLC
APN: 223-101-002-000
Area: Garberville
Case Numbers: CUP16-097

Humboldt County Application #: 10871
Type of Application: Conditional Use Permit
Date Received: 8/28/2017
Due Date: 9/9/2017

Project Description: A Conditional Use Permit for a pre-existing 34,000 square foot outdoor cannabis cultivation operation. The cultivation size is currently 9,600 square feet of outdoor due to a forbearance. Irrigation water is provided by an existing, on-site well and 61,000 gallons of water in hard sided water tank storage. The Applicant is proposing construction of a 900,000 gallon pond fed by rainwater catchment. The Applicant estimates an increase from 235,000 gallons to 878,400 gallons of water would be required annually. Processing includes drying, curing, trimming and packaging. Processing will occur in a permitted processing building. There are an estimated twenty (20) employees. Electricity is provided by one (1) generator that will be phased out with the installation of an on-site solar energy and battery energy storage unit.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



From: [Bocast, Kalyn@Wildlife](mailto:Bocast.Kalyn@Wildlife)
To: [Yandell, Rodney](mailto:Yandell.Rodney)
Cc: Planning Clerk; Bauer, Scott@Wildlife
Subject: Seeking Roots LLC, Conditional Use Permit, APPS-10871, APN: 223-101-002, CEQA-2017-0596
Date: Friday, January 05, 2018 12:15:35 PM
Attachments: [CEQA Referral APPS-10871 CEQA-2017-0596.pdf](#)
[Exhibit A Bullfrog Management Plan-CEQA 2017 0596 HumCo-APPS-10871.pdf](#)
[PT-10871-8.23.2017.pdf](#)

To Whom It May Concern,

Please see the attached comments regarding the subject application.

Thank you for the opportunity to comment on this project.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077



California Department of Fish and Wildlife
CEQA Referral Checklist

Applicant: Seeking Roots LLC			
Co APPS: 10871	APN: 223-101-002	CDFW CEQA: 2017-0596	<input type="checkbox"/> ZCC <input type="checkbox"/> SP <input checked="" type="checkbox"/> CUP
<input type="checkbox"/> New Size (SF):	<input checked="" type="checkbox"/> Existing Size (SF): 34,000	<input type="checkbox"/> Mixed-light	<input checked="" type="checkbox"/> Outdoor <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

Please provide and/or note the following information:

- ☐ Recommend Approval. The Department has no comment at this time.
- ☒ Recommend Conditional Approval. Suggested conditions below.
- ☒ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.
- ☒ The referral materials state that there is a plan to construct a pond onsite. CDFW requests, as a condition of Project approval, that a professional geologist assess and identify an appropriate site for a pond. In addition, CDFW requests that pond features contain measures to prevent wildlife harm or entrapment.
- ☒ The referral materials state that there is a plan to construct a pond onsite. CDFW requests, as a condition of Project approval, that the applicant comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- ☒ All or part of the Project is located within the CDFW recommended minimum setback area. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers and future development.
- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 28,000 square feet. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to kalyn.bocast@wildlife.ca.gov.

Please confirm that you have received this email.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0596-R1

GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of two total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine.

If bullfrogs are not detected upon completion of two total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

OPTIONS FOR MANAGEMENT

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

Pond Dewatering

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.

From: [Meghan Ryan](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: [Johnson, Cliff](#)
Subject: APPS #10871 Seeking Roots, LLC, APN 223-101-002/ Projected Hearing Date: April 15, 2021
Date: Wednesday, March 24, 2021 3:03:00 PM
Attachments: [10871_ref_CDFW.pdf](#)
[Addendum to Cult-Ops.2021.pdf](#)
[Well completion report.pdf](#)

Good morning, Scott – I hope you're doing well. Please see responses to CDFW comments regarding the Seeking Roots, LLC, project near Garberville:

1. The applicant is no longer proposing a pond for irrigation. Water for irrigation is provided by a point of diversion and a groundwater well. I attached a copy of the operations plan addendum describing water source and storage and a copy of the well completion report for your review.
2. Please see attached Site Management Plan (SMP). The SMP states all cultivation areas meet the required setbacks.

The project description is the following:

A Conditional Use Permit (CUP) for continued cultivation of 28,854 square feet of outdoor cannabis grown using light-deprivation techniques. Ancillary propagation totals 770 square feet. Irrigation water is sourced from a groundwater well and a point of diversion. Annual water usage is 235,000 gallons. Existing water storage is 223,100 gallons in a series of hard-sided tanks and a water bladder. Drying, processing, and storage occur onsite in an existing 2,600-square-foot barn. A maximum of 20 employees may be utilized during peak operations. Power is provided by 35-kilowatt generator and solar array. The project also includes a Special Permit for development within the Streamside Management Area for continued use of the point of diversion.

Please let me know if you have any additional comments or questions regarding this project.

Best,
Meghan



Meghan Ryan
Planning Director
LACO Associates
Eureka | Ukiah | Santa Rosa | Chico
Advancing the quality of life for generations to come
707 443-5054
<http://www.lacoassociates.com>

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