



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: July 15, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Kings Peak, LLC, Zoning Clearance Certificate and Special Permit**
Record Number: PLN-11536-ZCC
Assessor's Parcel Number (APN): 107-261-011
4694 Wilder Ridge Road, Honeydew area

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Please contact Cameron Purchio, Associate Planner, at 707-445-5054 or by email at cpurchio@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 15, 2021	Zoning Clearance Certificate and Special Permit	Cameron Purchio

Project Description: A Zoning Clearance Certificate for continued cultivation of 3,000 square feet (SF) outdoor cannabis, 1,500 SF of which is full sun outdoor and 1,500 SF within a single greenhouse. Propagation is done by seed without the use of an ancillary nursery area. Irrigation water is sourced from a point of diversion located on the subject parcel. Existing available water storage is 26,200 gallons in four (4) hard tanks. Estimated annual water usage is 19,425 gallons. Bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. All work is completed by the domestic resident operators and no employees will be required. Power is provided by PG&E. The proposed project includes a Special Permit that would authorize a reduction in the 600-foot setback from nearby public lands.

Project Location: The project is located in the Honeydew area, on the west side and adjacent to Wilder Ridge Road, approximately 1.0 mile south from the intersection of Stansbury Road and Wilder Ridge Road, on the property known as 4694 Wilder Ridge Road, Honeydew.

Present Plan Land Use Designations: Residential Agriculture (RA20) Density: twenty acres per dwelling unit, Slope Stability: Moderate instability (2).

Present Zoning: Forestry Recreation (FR-B-5(20))

Record Number: PLN-11536-ZCC

Assessor's Parcel Number: 107-261-011

Applicant

Kings Peak, LLC
P.O. Box 83
Honeydew, CA 95545

Owner

Christopher King
P.O. Box 83
Honeydew, CA 95545

Agent

Same as Applicant

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.

Kings Peak, LLC
Record Number: PLN-11536-ZCC
Assessor's Parcel Number: 107-261-011

Recommended Zoning Administrator Action:

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

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

Executive Summary: Kings Peak, LLC seeks a Zoning Clearance Certificate to allow the continued cultivation of an existing 3,000 square feet (SF) of 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). The site is designated as Residential Agriculture (RA20) in the Humboldt County 2017 General Plan Update and zoned Forestry Recreation (FR-B-5(20)). Cultivation takes place in a two cultivation areas, a 1,500 SF full sun outdoor area and 1,500 SF within a single greenhouse utilizing light deprivation and no more than 6 watts per SF of supplemental lighting. Propagation occurs within the cultivation area and the site does not require ancillary propagation areas. One harvest is anticipated annually. No processing activities will be conducted on-site, with all processing activities occurring offsite at a licensed processing facility. Power is provided by PG&E. The operation is secured behind a gated road, maintains perimeter fencing, signage, and security cameras, with all structures secured by locks.

Water for irrigation is provided a point of diversion located on the subject parcel. Right to Divert and Use Water was issued to the applicant by the State Water Resources Control Board (SWRCB) Division of Water Rights (Registration No. H506896, Certificate No. H100547) (Attachment 3) for irrigation use. The right is limited to 0.1228 acre-feet per year (or 40,105 gallons) and a diversion rate of 4 gallons per minute. Point of diversion also authorized under Lake or Streambed Alteration Agreement (LSAA 1600-2017-0389-R1) with the California Department of Fish and Wildlife (CDFW) (Attachment 3). The LSAA Notification includes the point of diversion, decommissioning of one (1) road crossing, and upgrading/maintenance for two (2) road crossings. The point of diversion utilized by this project is shared with APN 107-261-010 which shares the same owner and is being authorized under Application No. 11535. Existing available water storage for both parcels is 35,000 gallons in five (5) 5,000-gallon tanks, three (3) 3,000-gallon tanks and one (1) 1000-gallon tank. Applicant proposes an additional 5,000-gallons of storage for a total of 40,000 gallons. Estimated annual water usage is for both parcels is 40,000 gallons. Estimated water use for cultivation areas authorized by this project is 19,425 gallons (6.5 gal/SF).

The proposed project includes a Special Permit for a reduced setback to adjacent Bureau of Land Management (BLM) lands, due to cultivation being located within 400 feet of BLM lands. Staff contacted BLM on March 16, 2021, to provide a project description and discussion of conditions of approval (see Attachment 4). As of the date of drafting this staff report, no response has been received from the BLM. Based on a review of the Humboldt County WebGIS and the site plan, all cultivation and the ground water well is located 400 feet away from the shared parcel boundary. There does not appear to be any recreational access sites or parking areas located near the subject parcel. According to the Water Resources Protection Plan, the cultivation areas are located outside of required watercourse and wetland buffers. Noise and light attenuation measures are included as conditions of approval due the proximity of potential Northern Spotted Owl habitat. A condition of approval prohibiting the use of rodenticides is also included based on past comments from BLM on other cannabis projects. Therefore, Planning staff supports the reduction of the 600-foot setback from adjacent public lands.

There are no mapped sensitive species onsite; however, per CDFW's California Natural Diversity Database (CNDDDB), there is a mapped Northern Spotted Owl (NSO) activity center located approximately 0.76 miles away from the cultivation area. Lands that surround the site are heavily forested, thus there is potential for NSO habitat. Impacts on potential NSO within the vicinity are mitigated through implementation of best management practices, the WRPP required by the Regional Water Board, and Final SAA with CDFW. Review of aerial imagery indicates that existing cultivation areas have been disturbed and utilized since approximately 2005.

Power for the project is provided by PG&E and the cultivation does not utilize any supplemental lighting. The performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requires noise levels be at or below 50 dB at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the U.S. Fish and Wildlife Service (USFWS). Additional requirements are included in the Conditions of Approval to further reduce potential impacts on sensitive species and habitats, which include but are not limited to, complying with all requirements of the SAA issued by CDFW, requiring all outside lighting be on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Additionally, the project is conditioned to assume presence of NSO and ensure noise attenuation (as discussed above). Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access to the site is via a driveway off of Wilder Ridge Road, via Ettersburg-Honeydew Road. Wilder Ridge Road is approved for use by commercial cannabis operations by the Department of Public Works. A Road Evaluation report for driveway was prepared by the applicant (Attachment 3) which indicates the driveway is developed to category 4 equivalent standard and can accommodate the cumulative increased traffic from the project. Conditions of approval require the applicant to obtain an encroachment permit from the Department of Public Works and complete the improvements to the driveway to meet commercial standards.

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

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number: PLN-11536-ZCC
Assessor's Parcel Number: 107-261-011**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Kings Peak, LLC, Zoning Clearance Certificate and Special Permit request.

WHEREAS, Kings Peak, LLC, submitted an application and evidence in support of approving a Zoning Clearance Certificate for continued cultivation of 3,000 square feet (SF) outdoor cannabis. Propagation is done by seed without the use of an ancillary nursery area. Irrigation water is sourced from a point of diversion on the subject parcel. Existing available water storage onsite is 26,200 gallons in four (4) hard tanks. Estimated annual water usage is 19,425 gallons. Bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. All work is completed by the domestic resident operators and no employees will be required. Power is provided by PG&E. The proposed project includes a Special Permit that would authorize a reduction in the 600-foot setback from nearby public lands;

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

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on July 15, 2020, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Zoning Clearance Certificate for continued cultivation of 3,000 square feet (SF) outdoor cannabis. Propagation is done by seed without the use of an ancillary nursery area. Irrigation water is sourced from a point of diversion on the subject parcel. Existing available water storage onsite is 26,200 gallons in four (4) hard tanks. Estimated annual water usage is 19,425 gallons. Bucking occurs onsite and all other processing will occur off site at a licensed processing or manufacturing facility. All work is completed by the domestic resident operators and no employees will be required. Power is provided by PG&E. The proposed project includes a Special Permit that would authorize a reduction in the 600-foot setback from nearby public lands..

EVIDENCE: a) Project File: PLN-11536-ZCC

- 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) A Site Management Plan was prepared by Cenci Consulting to show compliance with the State Water Resources Control Board General Order 2009-0001-DWQ. The project is conditioned to implement all corrective actions detailed in the SMP developed for the parcels. Conditions of approval require the applicant to show proof of enrollment to the State Cannabis program by submitting a Notice of Applicability to the Planning Department.
- d) There are no mapped sensitive species onsite; however, per CDFW's California Natural Diversity Database (CNDDDB), there is a mapped Northern Spotted Owl (NSO) activity center located approximately 0.76 miles away from the cultivation area. Lands surrounding the site are heavily forested and, as a result, there is a high potential for NSO habitat in the vicinity of the site. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by CDFW for protection of the species. Additionally, conditions of approval require the applicant to ensure all outdoor light sources comply with the International Dark Sky Association standards, are designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare to reduce light exposure to wildlife and their potential habitat, and follow the measures provided in the SMP and Agreement with CDFW to further minimize the potential to impact sensitive species or habitats within the vicinity of the site.
- e) A Notification of Streambed Alteration Agreement (LSAA No. 1600-2016-0389-R1) was filed with the California Department of Fish and Wildlife (CDFW) in May 2017 for four (4) encroachments, including a point of diversion, removal of a Class II crossing, and improvements at two crossings, as work would be required within watercourses and, as a result, there is the potential for existing fish and wildlife resources to be substantially adversely affected by the project. The project is conditioned to require the applicant to implement all requirements and measures required by the issued LSAA and to provide a copy of the final LSAA to the Planning Department.
- f) The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria, and the Intertribal Sinkiyone Wilderness Council in February 2018. Responses were received from NWIC in January 2018, and the Bear River Band of the Rohnerville Rancheria in February 2018, in which a cultural resources study was not requested, but rather inclusion of the Inadvertent Discoveries Protocol as a condition of approval. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.
- g) Access to the subject parcel is provided by a private driveway off of Wilder Ridge Road. Wilder Ridge Road is approved for use by the Department of Public Works for commercial cannabis operations. A Road Evaluation report for the driveway was prepared by the applicant (Attachment 3) on December 5, 2017, which indicates the driveway is developed to Category 4 equivalent standard and can accommodate the cumulative increased traffic from the project. Conditions of approval require the applicant to

obtain an encroachment permit from the Department of Public Works and complete improvements to the intersection of the driveway and Wilder Ridge Road to commercial standards.

FINDINGS FOR ZONING CLEARANCE CERTIFICATE 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 Forestry Recreation zone in which the site is located.
- EVIDENCE**
- a) The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.
 - b) All general agricultural uses are principally permitted in the FR zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 3,000 square feet of outdoor cultivation on a 21-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- 5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by Parcel Map recorded August 1968.
 - c) The project will obtain water from a point of diversion on an unnamed class II stream located on parcel 107-261-011. A Right to Divert and Use Water was issued to the applicant by the State Water Resources Control Board (SWRCB) Division of Water Rights (Registration No. H506896, Certificate No. H100547) (Attachment 3) for irrigation use. The applicant is required to adhere to and implement any requirements of the Right to Use and Divert Water issued by the SWRCB.
 - d) Access to the subject parcel is provided by a private driveway off of Wilder Ridge Road. Wilder Ridge Road is approved for use by the Department of Public Works for commercial cannabis operations. A Road Evaluation report for the driveway was prepared by the applicant (Attachment 3) on

December 5, 2017, which indicates the driveway is developed to Category 4 equivalent standard and can accommodate the cumulative increased traffic from the project. Conditions of approval require the applicant to obtain an encroachment permit from the Department of Public Works and complete improvements to the intersection of the driveway and Wilder Ridge Road to commercial standards.

- 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. Review of aerial imagery indicates that existing cultivation areas have been disturbed and utilized since 2005 and no additional timber conversion is proposed. Therefore be no net loss of timberland as a result of the cultivation operation.
- 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, or Tribal Cultural Resource.
- h) The proposed project includes a Special Permit for a reduced setback to adjacent Bureau of Land Management (BLM) lands, due to cultivation being located within 400 feet of BLM lands. Staff contacted BLM on March 16, 2021, to provide a project description and discussion of conditions of approval (see Attachment 4). As of the date of drafting this staff report, no response has been received from the BLM. Based on a review of the Humboldt County WebGIS and the site plan, all cultivation and the ground water well is located 400 feet away from the shared parcel boundary. There does not appear to be any recreational access sites or parking areas located near the subject parcel. According to the Water Resources Protection Plan, the cultivation areas are located outside of required watercourse and wetland buffers. Noise and light attenuation measures are included as conditions of approval due the proximity of potential Northern Spotted Owl habitat. A condition of approval prohibiting the use of rodenticides is also included based on past comments from BLM on other cannabis projects.

6. FINDING

The cultivation of 3,000 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from

the nearest off-site residence.

- d) Irrigation water will come from a point of diversion on an unnamed class II stream located on parcel 107-261-011. A Right to Divert and Use Water was issued to the applicant by the State Water Resources Control Board (SWRCB) Division of Water Rights (Registration No. H506896, Certificate No. H100547) (Attachment 3) for irrigation use. The applicant is required to adhere to and implement any requirements of the Right to Use and Divert Water issued by 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.

7. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

DECISION

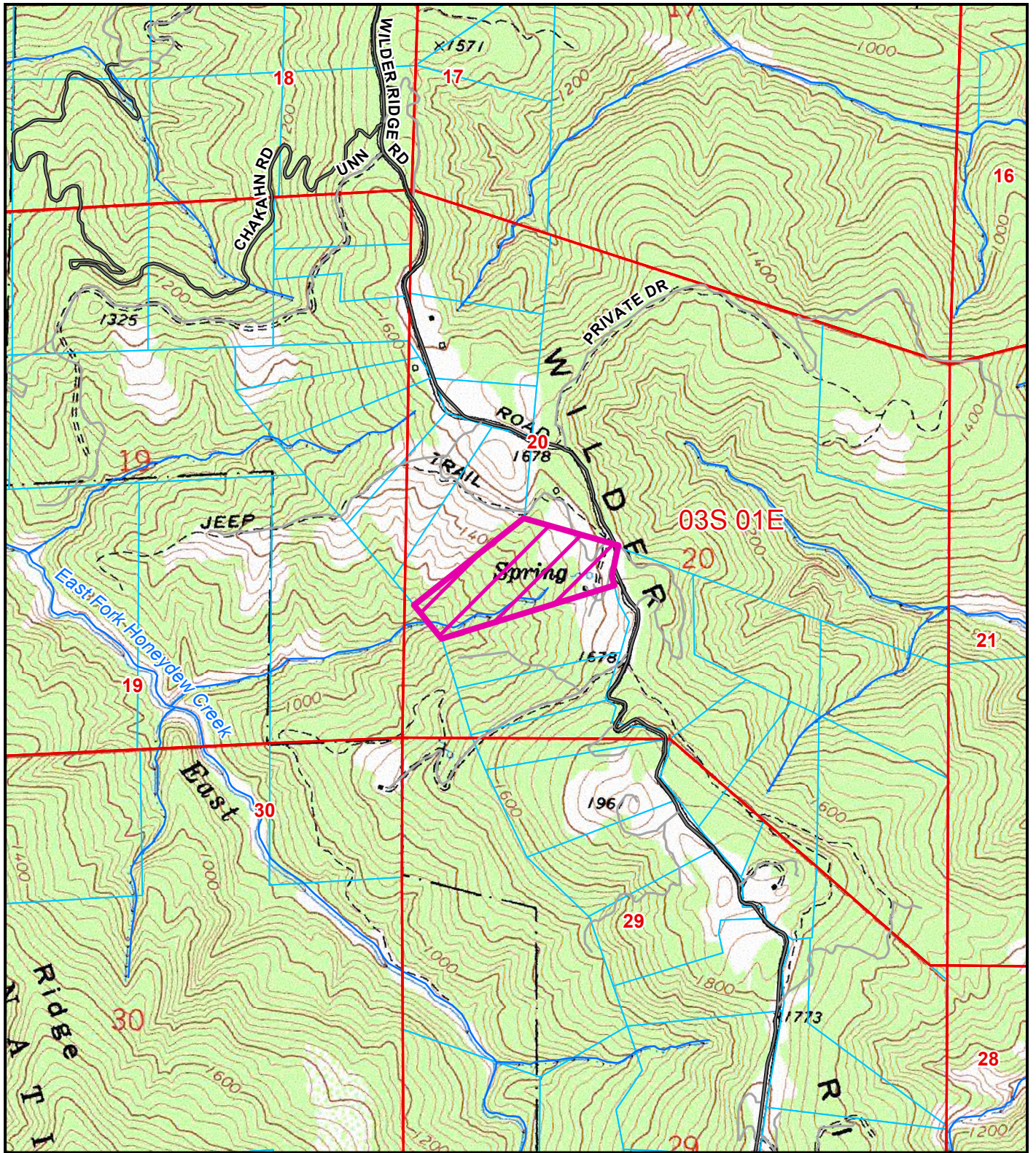
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Old Goat Farms, 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 July 15, 2021.

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

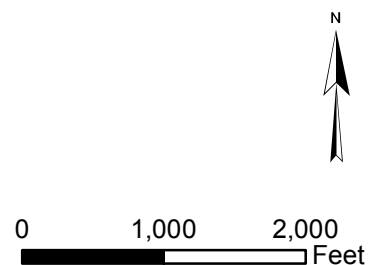
John H. Ford, Zoning Administrator,
Planning and Building Department

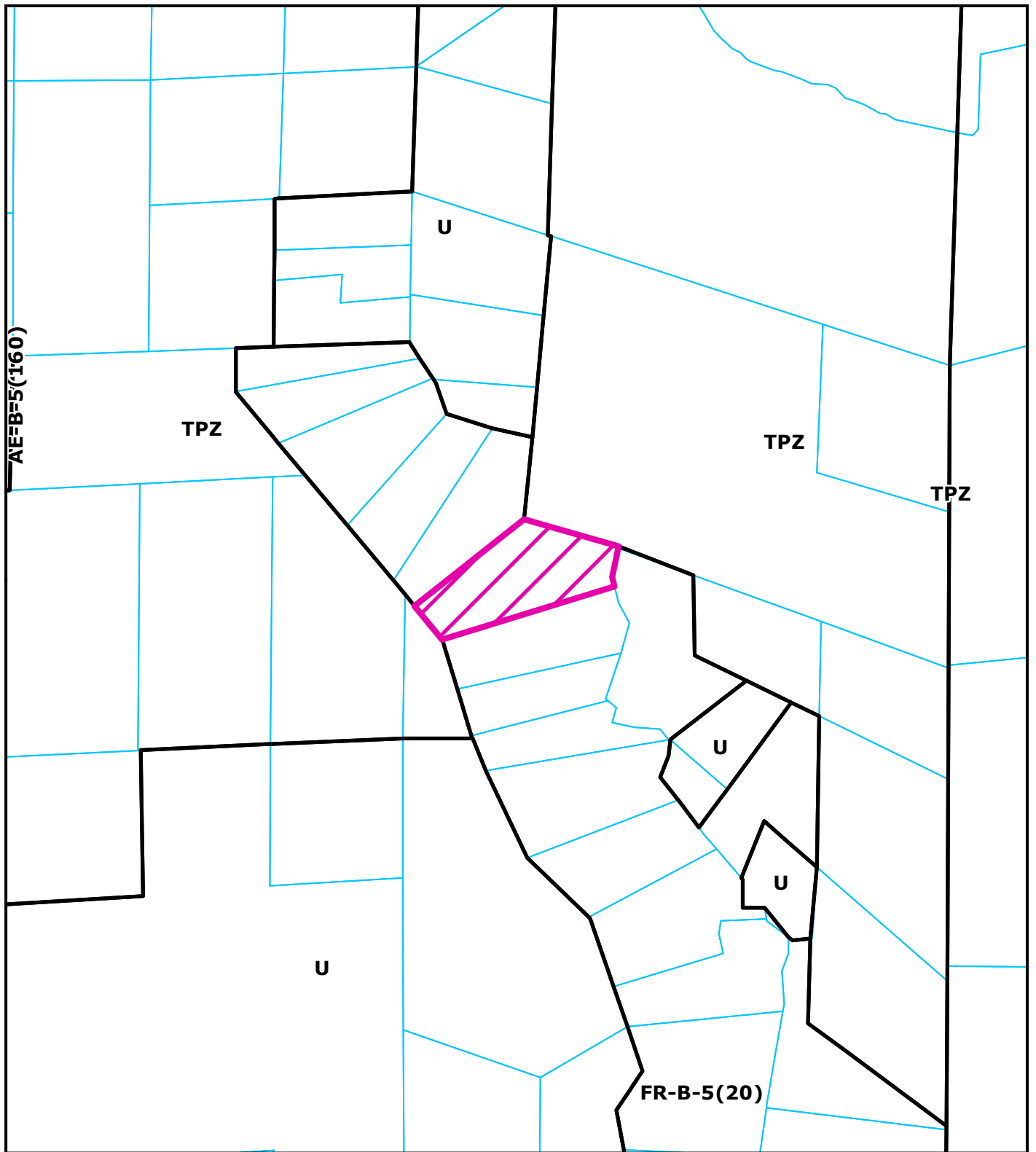


Project Area = 

TOPO MAP
PROPOSED KINGS PEAK, LLC
HONEYDEW AREA
ZCC-16-161
APN: 107-261-011
T03S R01E S20 HB&M (HONEYDEW)

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

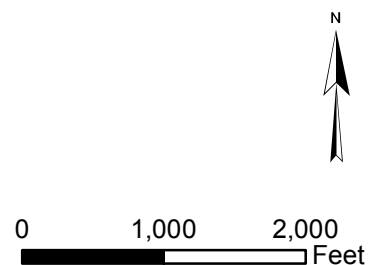


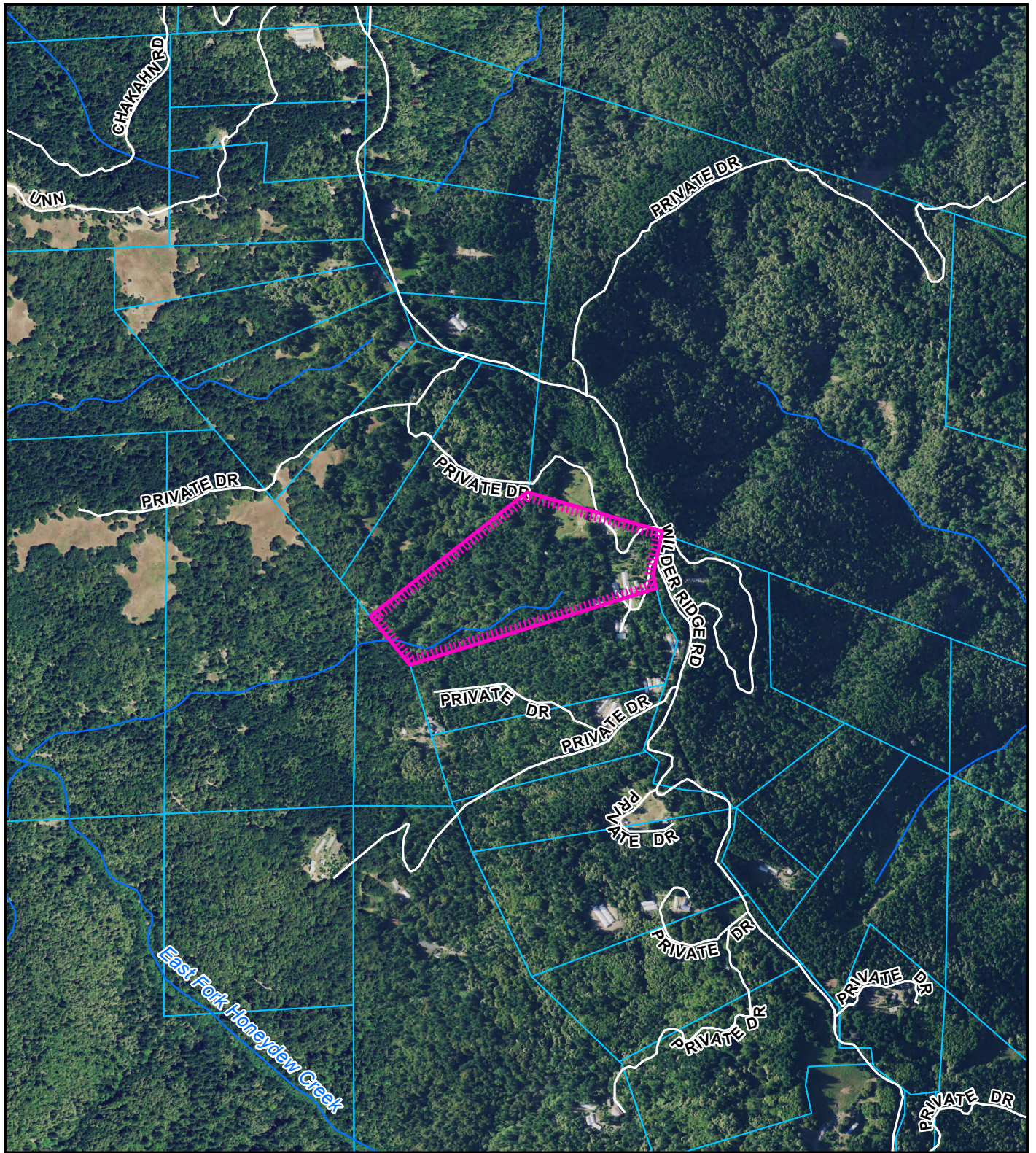


Project Area = 

ZONING MAP
PROPOSED KINGS PEAK, LLC
HONEYDEW AREA
ZCC-16-161
APN: 107-261-011
T03S R01E S20 HB&M (HONEYDEW)

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 KINGS PEAK, LLC
HONEYDEW AREA
ZCC-16-161
APN: 107-261-011
T03S R01E S20 HB&M (HONEYDEW)**

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

0 1,000 2,000 Feet



 CULTIVATION AREA

 WATER STORAGE



PROPERTY BOUNDARY


PRIVATE ROADS

+
WATER CROSSING

WATER COURSE

SPRING

GALLI



600 FT BUFFER

X Point of Diversion

APPLICANT
Kings Pearl LLC

APN: 107-261-017

LOT SIZE: 28 ACRES

ZONING: FR - FORESTRY RECREATION

CULTIVATION AREA: 3000 SQ FT

OUTDOOR

DIRECTIONS TO SITE:

DRIVING S ON US HWY 101

TAKE EXIT 663 FOR CA 254

TOWARD SOUTH FORK/HONEY DEW

IN 0.2 MI MERGE ONTO BULL

CREEK FLATS RD

IN 1.2 MI TURN RIGHT ONTO MATTOLE RD

IN 18 MI STAY STRAIGHT ONTO

WILDER RIDGE RD

SITE IS LOCATED AT 4414 WILDER RIDGE

RD ON WEST SIDE OF ROAD

THERE ARE NO SCHOOLS, PLACES OF WORSHIP, OR PUBLIC PARKS WITHIN 600

FEET OF THE CULTIVATION AREA

THERE ARE NO OFF SITE RESIDENCES

WITHIN 300 FEET OF THE CULTIVATION

AREA. THERE ARE NO KNOWN

EASEMENTS OR TRIBAL CULTURAL

RESOURCES ON THE PARCEL

Owner: Christopher King

No graded flats

SITE PLAN

PAGE 1 OF 1

08/09/2017



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. 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.
6. Within 60 days of the effective date of permit, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 1. Remove the 2nd point of diversion on the subject parcel so the site plan only shows the one point of diversion located on APN 107-261-011 as the only water source for the project as confirmed by the applicant on June 22, 2021.
 2. Buffers/setback distances for natural waterways, including streams, springs and ponds in conformance with the Streamside Management Area and Wetlands Ordinance (SMAWO) definition in HHC Section 314-6.1.
 3. Additional proposed water storage tanks to increase available water storage to 40,000 gallons to meet forbearance requirements.

7. Within 60 days of the effective date of the permit, the applicant shall submit a revised cultivation and operations plan that describes the water source for irrigation as only the point of diversion located on APN 107-261-011. This shall be consistent with what is shown on the site plan. A sign-off from the Planning Department will satisfy this condition.
8. 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 #9 through #14. 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.
9. 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.
10. The applicant shall install additional water storage so that total available water storage is 40,000 gallons to ensure sufficient water storage available to meet forbearance requirements. A sign-off from the Planning Department will satisfy this condition.
11. The applicant shall provide documentation showing the existing Onsite Wastewater Treatment System (OWTS) is permitted with the Division of Environmental Health (DEH) or acquire permits for said OWTS through DEH. A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.
12. The applicant shall implement all corrective actions detailed in the Site Management Plan developed for the parcel, prepared pursuant to Tier 1 enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). A letter or similar communication from the State Water Board verifying that all their requirements have been met will satisfy this condition.
13. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by the California Department of Fish and Wildlife to the Planning Department. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
14. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
15. The applicant shall adhere to all requirements of the Right to Use and Divert Water (Registration No. H506896, Certificate No. H100547) issued by the State Water Resources Control Board for the life of the project.
16. 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.

17. 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.
18. Use of rodenticides is prohibited for the life of the project.
19. 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.
20. 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.
21. 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.
22. 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. The applicant shall abide by recommendations of the Biological Assessment prepared by Timberland Resource Consultants (TRC) and received October 24, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps

and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.

4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 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.
5. No generators will be used to provide power for cannabis cultivation activities.
6. No supplemental lighting will be used for cannabis cultivation activities.
7. 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.
8. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
9. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
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 Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
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 #26 and 27 of the Ongoing Requirements/Development Restrictions, above.

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

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

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

ATTACHMENT 2

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

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

**APN 107-261-011; 4694 Wilder Ridge Road, Honeydew
County of Humboldt**

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

June 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 Zoning Clearance Certificate (ZCC-16-161) for an existing 3,000 square foot (SF) outdoor cannabis cultivation operation. Propagation occurs within the cultivation area and no ancillary propagation areas are utilized on the site. Water for irrigation is provided by a point of diversion located on the subject parcel. Irrigation resources utilized by this project are shared with APN 107-261-010 which shares the same owner and is being authorized under Application No. 11535. Existing available water storage for both parcels is 35,000 gallons in five (5) 5,000-gallon tanks, three (3) 3,000-gallon tanks and one (1) 1000-gallon tank. Applicant proposes an additional 5,000-gallons of storage for a total of 40,000 gallons. Estimated annual water usage is for both parcels is 40,000 gallons. Estimated water use for cultivation areas authorized by this project is 19,425 gallons (6.5 gal/SF). All work is completed by the domestic resident operators and no employees will be required. No processing activities will be conducted on-site, with all processing activities occurring offsite at a licensed processing facility.

Power for the project is provided by PG&E and the cultivation does not utilize any supplemental lighting. There are no mapped sensitive species onsite; however, per CDFW's California Natural Diversity Database (CNDDDB), there is a mapped Northern Spotted Owl (NSO) activity center located approximately 0.76 miles away from the cultivation area. Lands that surround the site are heavily forested, thus there is potential for NSO habitat impacts on potential NSO within the vicinity. The performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requires noise levels be at or below 50 dB at 100 feet or edge of habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the U.S. Fish and Wildlife Service (USFWS). Additional requirements are included in the Conditions of Approval to further reduce potential impacts on sensitive species and habitats, which include but are not limited to, complying with all requirements of the SAA issued by CDFW, requiring all outside lighting be on timers or motion sensors to reduce light exposure to wildlife and their potential habitat, and avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Additionally, the project is conditioned to assume presence of NSO and ensure noise attenuation (as discussed above). Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

A cultural resources investigation was not requested by the Bear River Band of the Rohnerville Rancheria in their referral response from February 2018; however, inclusion of the Inadvertent Discoveries Protocol

was requested and will be made an ongoing condition of approval. Additionally, all development currently meets appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts 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 10,000 square feet of cultivation with ancillary drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Plot Plans prepared by Timberland Resource Consultants dated 8/9/17.
- Cultivation and Operations Plan prepared by the applicant dated 8/14/17 and updated by addendum dated received 8/17.

- Right to Divert and Use Water, Certificate H100547 with the State Water Resources Control Board, Division of Water Rights.
- Site Management Plan (WDID-1_12CC417762) prepared by Cenci Consulting for the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy) and Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order).
- Road Evaluation Report for Wilder Ridge Road prepared by the applicant, dated 12/5/17.
- Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits.
- Streambed Alteration Permit obtained from the California Department of Fish and Wildlife (Notification No. 1600-2016-0389-R1), dated 5/29/17.

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. (Timberland Resource Consultants dated 8/9/17 – **Attached** with project Maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by the applicant dated 8/14/17 and updated by addendum dated received 8/17).
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. (Small Irrigation Use Registration Certificate No. H100547 **Attached**)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above) and Site Management Plan prepared for State Water Board Cannabis General Order (item 7. below)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Site Management Plan (SMP) prepared by Cenci Consulting – **Attached**).
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. (Notification No. 1600-2017-0389-R1 executed 11/15/17 – **Attached**).
9. If the source of water is a well, a copy of the County well permit, if available. (Not Applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

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

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report for Wilder Ridge Road prepared by the applicant, dated 12/5/17 (**Attached**)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)

CULTIVATION, OPERATIONS, AND
SECURITY PLAN

CORRECTED

Previously Submitted on August 14, 2017

*rec'd
9/8/17*

KINGS PEAK LLC

CULTIVATION, OPERATIONS, AND SECURITY PLAN

OPERATIONS PLAN

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

WATER SOURCE AND STORAGE: The primary source of irrigation water is surface water diversion from two points of diversion from a Class II watercourse pursuant to a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW). Per the LSAA and Initial Statement of Diversion and Use, Applicant intends a diversion rate of approximately 1 to 4 gallons per minute during periods of higher flow from each point of diversion. See site map for locations of points of diversion (POD).

*we on this
parcel in
0102*

Presently, Applicant has one 2,500-gallon tank and one 1,300-gallon tank for a total water storage of 3,800 gallons. Applicant will add storage to meet storage requirements during the forbearance period.

Applicant will also be submitting a Water Management Plan (WMP) prepared by Timberland Resource Consultants which shall include a brief narrative describing water use on the property, photographs that support the narrative, and water use calculations to ensure compliance with the LSAA.

IRRIGATION PLAN: Irrigation is done by hand-watering every 3 days during the months of June, July, August and September. Applicant waters in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier is used to minimize weed growth, which reduces water loss during watering. Applicant uses natural soil amendments to aid in soil moisture retention as part of irrigation plan.

PROJECTED WATER USAGE: Applicant will be cultivating approximately 3,000 sq. ft. of outdoor, full term cannabis pursuant to a Zoning Clearance Certificate. Based on California Department of Fish and Wildlife estimates for cannabis irrigation needs, and Applicant's irrigation practice of watering twice a week, Applicant anticipates using 14,640 gallons of water ((122 days/7x2) x 3,000 sq. ft. x (1.4/10 sq. ft.)) during the forbearance period required by the ordinance. Based on a 183-day growing cycle, Applicant's total yearly water usage for outdoor cultivation is 19,425 gallons.

2. Description of Site Drainage, including Runoff and Erosion Control Measures

SITE DRAINAGE: There is one stream on the property , and one road crossings on the property.

Crossing #1. This is a dirt ford crossing on a Class II watercourse. Applicant will be working with and implementing any recommendations of Timberland Resource Consultants with regard to remediation of the crossing.

The measures outlined above are intended to promote drainage of the streams located on the property and to minimize erosion and sediment transportation into receiving waters.

EROSION CONTROL MEASURES: Applicant has not done any grading around the cultivation site. The road on the property has been rocked and a water bar has been installed to minimize concentrated runoff from destabilizing banks and causing further erosion. Applicant will be implementing upgrades to the two rock fords pursuant to the LSAA. Applicant will consult with and implement recommendations from Timberland Resource Consultants to improve erosion control measures on an as-needed basis.

RUNOFF CONTROL MEASURES: There is no runoff from Applicant's cultivation activities. Cultivation is done in beds and Applicant hand-waters to avoid overwatering and maintains vegetation around the cultivation area and riparian areas to minimize runoff and sediment transportation to receiving waters. Applicant cultivates outdoors and there is no concentrated storm water runoff from the cultivation area. Applicant will re-seed and re vegetate any exposed soils around the cultivation area and install straw bales and sediment control fencing on slopes or discharge points that may transport sediment to receiving waters. Applicant will consult with, and implement recommendations from, Timberland Resource Consultants to improve runoff control measures on an as needed basis.

3. Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat

PROTECTION OF WATERSHED AND HABITAT: Applicant intends to maintain at least a 100-foot buffer between the cultivation site and any riparian and habitat zones. The buffers will be maintained and operations will be excluded from these areas and protected to maintain their essential functions. Applicant's surface diversion is appropriately screened to minimize harm to organisms within habitat and riparian zones. Applicant will consult with and implement recommendations from Timberland Resource Consultants to improve protection of watershed and habitat on an as-needed basis.

CULTIVATION RELATED WASTE PROTOCOLS: Applicant is implementing measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in bins to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in native soils and using bio-amendments (cover

crops) to re-amend soils, resulting in zero soil waste on site. All other associated waste will be placed in garbage cans with lids and placed on concrete surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will determine frequency of disposal to permitted disposal sites that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

REFUSE DISPOSAL: The site generates little human refuse. Garbage cans equipped with lids are stored on a concrete surface to prevent leaching into groundwater or transportation to watercourses. Applicant will determine the frequency of pickup and delivery to disposal facilities that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

HUMAN WASTE: Applicant does not anticipate hiring any employees. There is a residence located on -site that is served by septic system with sufficient capacity to service the residence and the cultivation site.

4. Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products

PESTICIDES: Pesticides will be stored ^{where?} off-site in a shed in original containers and applicant will implement suitable secondary containment to prevent leaching and transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or receiving surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

Applicant will maintain and keep personal protective equipment required by the pesticide label in good working order. Coveralls will be washed after all use when required.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities. Change areas and decontamination rooms will be available off-site.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

FERTILIZERS: Fertilizers will be stored ^{where?} off-site in a shed in original containers and applicant will implement suitable secondary containment to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant

will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

SOIL AMENDMENT: Soil amendments will be stored in the off-site shed ^{where?} in original containers and applicant will implement suitable secondary containment to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

Before making a fertilizer application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

PETROLEUM PRODUCTS AND STORAGE: There is one propane tank on-site affixed to a permitted slab that services both the cultivation site and the on-site residence.

5. Description of Cultivation Activities (e.g. outdoor, indoor, mixed light)

Power for diversion?
CULTIVATION ACTIVITIES: Applicant is proposing to permit one existing full-term outdoor cultivation site with cultivation area of 3,000 sq. ft. Applicant will be applying for a zoning clearance certificate for the above referenced activity. Applicant will irrigate cultivation from a surface water diversion pursuant to agreement with DFW. There will be no generator use in the cultivation activities. Applicant will be cultivating in raised beds to prevent excess irrigation runoff and promote soil moisture retention. Cover crops will be planted at the end of the year in beds to promote soil regeneration. Applicant does not anticipate hiring any employees at the site for cultivation activities. The cultivation activities will be conducted by the owner/operator.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing employee safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) employee accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition, and provide employees with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

PROCESSING PLAN AND ACTIVITIES

No processing activities will be conducted on-site. Plants will be taken off-site to a permitted processing facility to hang, dry, and process. Application will identify permitted processing facility once permits for such facilities have been issued by the County.

SECURITY FEATURES

Applicant has implemented security measures to safeguard the product and prevent nuisance from occurring on the property. Perimeter fencing has been established around the parcel and cultivation area. Security gates are installed along all main roads. "Private Property" and "No Trespassing" signage has been posted on the property and on the roads leading to the property. Security cameras are installed around the cultivation site and roads. Locks have been installed on all building doors and windows. The finished product is store off-site at a secure facility.

To ensure the non-diversion of product, Applicant will enroll in a track and trace program upon the implementation of those programs at the state and local level. Applicant is a cultivation-member of Humboldt Sun Growers Guild, a California Non-Profit Medical Cannabis Collective, that provides medical cannabis to qualified patients and primary caregivers. Applicant will comply with SB 420 and the Attorney General Guidelines for the Security and Non-Diversion of Medical Cannabis (2007).

SOIL AMENDMENTS

PRODUCE USED

AMOUNTS STORED ON-SITE

Bulk Soil

16 yards

Organic Grow

3 gallons

Organic Rainbow Mix

25-pound bag

Home Brew Tea

One Box- approx. 2x2'.



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H506896

CERTIFICATE H100547

Right Holder: *teresa davey*
4414 wilder ridge
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 07/30/2019. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

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

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

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

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Primary POD	Honeydew Creek	Mattole River	Honeydew Creek	40.192606	-124.095688	Humboldt	107-261-011
spring	Honeydew Creek	Mattole River	Honeydew Creek	40.191278	-124.100428	Humboldt	107261011

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	107261010	0.01
Irrigation	Humboldt	107261011	0.01

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 06/23/2019.

The place of use is shown on the map filed on 06/23/2019 with the State Water Board.

4. Quantity and Season:

The water appropriated by storage shall be limited to the quantity which can be beneficially used and shall not exceed 0.1228 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.12 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.**

For onstream storage reservoirs, the diversion rate and diversion season bypass conditions may be modified by the Deputy
PLN-11536-ZCC Kings Peak July 15, 2021 Page 35

Director for Water Rights (or designee) or the California Department of Fish and Wildlife as part of the onstream storage reservoir determinations under the Cannabis Policy.

5. No water shall be diverted or used under this right unless the right holder is in compliance with all applicable conditions and requirements, 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 – 93, 95, and 97 – 102.
- 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/cannabis>.

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. For changes required by amendments to the Cannabis Policy, the State Water Board may provide notice and the opportunity for a hearing by following the procedures specified in section 13147 of the Water Code.
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: 1) the submittal of an annual report of water use; and 2) satisfactory renewal, on forms prescribed by the State Water Board. This right is also subject to payment of annual 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: 06/23/2019 15:18:03

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SITE MANAGEMENT PLAN

FOR

WDID 1_12CC417762

GENERAL ORDER APP # 417760

CANNABIS CULTIVATION ON HUMBOLDT COUNTY PARCELS

107-261-010 & 107-261-011

**PREPARED IN ACCORDANCE WITH STATE WATER RESOURCES CONTROL BOARD (SWRCB) GENERAL ORDER WQ
2019-0001-DWQ**

Prepared For:

King Peak, LLC
c/o Teresa Davey
PO Box 83
Honeydew, CA 95545

Prepared By:

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Cenci Consulting
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(707) 616-7207

Background

King Peak, LLC (the “Discharger”) is enrolled as a Tier 1, Low Risk Discharger (WDID 1_12CC417762) under the State Water Resources Control Board (SWRCB) Order # 2019-0001-DWQ. All Tier 1 Discharges shall submit and implement a Site Management Plan (Plan) that describes how the Discharger is implementing the best practical treatment or control (BPTC) measures listed in Attachment A of the Order. Previously, the Discharger was enrolled in the North Coast Regional Water Quality Control Board’s Order No. R1-2015-0023 and was assigned the WDID 1B171459CHUM.

All work will be completed by the onset of winter period each year. (The due date will not relieve the Discharger from implementing the interim soil stabilization BPTC measures described in Attachment A of the General Order.)

Additionally, as the Discharger falls within the North Coast Regional Water Board’s (NCRWB) jurisdiction (Region 1), legacy waste discharge issues, if any, should be addressed.

1. Project Description

1.1. Summary of Activities

A total of 6,000 ft² of cannabis cultivation will occur, distributed within three (3) distinct cultivation areas. Area A is approximately 2,000 ft² of full-sun cultivation located on APN 107-261-010, adjacent to a residence (non-cannabis structure). Area B is approximately 1,696 ft² of full-sun cultivation located on APN 107-261-011 near the northeast property boundary. Area C is cultivation within a greenhouse (dimensions: ~24 ft x 96 ft) totaling 2,304 ft², located to the east of Area B and also adjacent to the northwest property boundary. Please see the Site Map for location reference.

No significant earthwork is proposed for the Project. If such activities are pursued in the future (i.e. site expansion requiring landmoving), all activities will be conducted in accordance with SWRCB’s *Cannabis Cultivation Policy*, including but not limited to those requirements regarding assessment of cultural and biological resources.

1.2. Location

The Project is located at 4414 Wilder Ridge Road and 4694 Wilder Ridge Road, Honeydew, CA 95545 in Southern Humboldt County. The Project is located in the inland zone, approximately 3.7 miles south of the community of Honeydew, as shown on **Figure 1 – Vicinity Map**. Honeydew contains a general store, post office, elementary school and a small number of rural residences. The nearest urban developments are located approximately 30 miles north, along Highway 101.

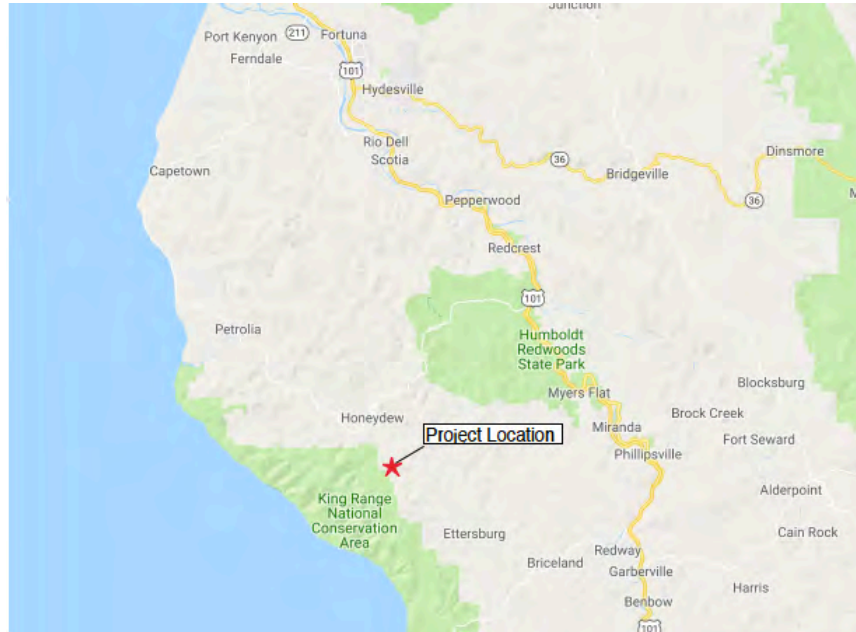


Figure 1. Vicinity Map

1.3. Region

The Project is within the North Coast Regional Water Board’s jurisdiction. The property is entirely located within the Mattole River watershed, which is listed by SWRCB as a Cannabis Priority Watershed. On a smaller scale, the Project is located within the *Honeydew Creek* HUC-12 subwatershed, which is not listed as an “impacted” and/or “refuge” and/or “stronghold” subwatershed by CDFW or Humboldt County.

1.4. Property Description

The Property consists of two parcels, totaling 44.41 acres (GIS). The northern parcel is approximately 21.63 acres identified by Humboldt County APN 107-261-010, and the southern parcel is approximately 22.78 acres, identified by APN 107-261-011. Both parcels are located in Section 20, T3S, R1E, HB&M.

The Property has a west facing aspect, with an elevation range of approximately 1,000 ft to 1,687 ft above sea level. Slopes within the Property range from 19% (north-south) to 33% (east-west). Area A is located on a graded flat and has slopes of approximately 5% with adjoining natural hillslopes of approximately 27%. Areas B and C are located on a graded pad on a natural bench with slopes of approximately 5 – 10% and adjoining natural hillslopes of approximately 21%.

The Project area contains an un-named Class II and multiple un-named Class III tributaries to the East Fork Honeydew Creek, a tributary to the Mattole River. These water features are located approximately 140 – 160 ft away from any areas developed for cannabis cultivation. A perennial

spring is also located within the Project area, approximately 157 ft from any cannabis-related infrastructure and 220 ft from any cultivation area.

The Project area is dominated by conifer (mostly Douglas Fir, *Pseudotsuga menziesii*) and mixed hardwood stands of tank oak (*Notholithocarpus densiflorus*) and madrone (*Arbutus menziesii*). Several clearings and natural meadows/grasslands exist throughout the Project area; specific areas of cannabis activities (cultivation, storage, etc.) occur within such open areas.

1.5. Land Use

The Project is located in an area of rural residential, agricultural, and timber production uses, including extensive cannabis cultivation activities that have occurred since the passage of California Proposition 215 in 1996.

No Tribal Cultural Resources or other sensitive archeological resources have been found within the Project Area or within a 600 ft buffer around the Project Area (an archeological survey was performed by a Qualified Professional). If in the course of Project implementation and normal site operations archaeological and paleontological resources are discovered, all ground-disturbing activities shall cease within 100 ft of the find and shall comply with Humboldt County's Commercial Cannabis Land Use Ordinance §55.4.12.1.15 and §1.22 and §1.23 of SWRCB's Cannabis Cultivation Policy.

2. Sediment Discharge BPTC Measures

2.1. Site Characteristics

2.1.1. Site Plan Map. Please see the accompanying Site Plan showing access roads, vehicle parking areas, streams, stream crossings, cultivation site(s), disturbed areas, buildings, and other relevant site features.

2.1.2. Access Road. Wilder Ridge Road provides access to the parcels. A private driveway provides access from Wilder Ridge Road to the cultivation areas, residence, and other infrastructure, as well as to other neighboring parcels. Approximately 0.25 miles of this drive are located within the Project area. The private drive is surfaced with native and imported rock. The drive is in adequate condition, with minor erosion issues.

2.1.2.1. Road Conditions. No unstable areas, nor evidence of the potential of road/surface related runoff to create unstable areas currently exist. All Project roads are in adequate condition with a minor road-surface erosion issue apparent near the intersection of the private drive with Wilder Ridge Road (see Site Map, Site 01 and § 2.1.2.4 below). The road surface is drained by an inside ditch, crowing, and outsloping. Parking consists of two (2) spaces located adjacent to the residence near Area A and two (2) spaces located near Areas B and C (see Site Map).

2.1.2.2. *Vehicle Traffic*. As all Project activities will be performed by the on-site resident, no significant increase in traffic is anticipated. Maximum traffic is estimated at one (1) vehicle traveling the private driveway two times per day. Project associated travel includes trips to nursery, processor, and supplies vendors. Residential travel may be additional to Project needs.

2.1.2.3. *Road Surface*. Wilder Ridge Road is a paved road with a centerline stripe. The private driveway and parking areas are native surface with gravel characteristics.

2.1.2.4. *Stormwater Drainage*. The private driveway is drained by outsloping, rolling dips, and inboard ditches. Improper and/or absent drainage features on Wilder Ridge Road have resulted in runoff coursing down the beginning section of the driveway (see Site Map, Site 01) thus eroding the surface of the roadway during heavy precipitation events.

2.1.3. Stream Crossings. There is one (1) stream crossing on the property (Site 03). It is a seasonal crossing and will be decommissioned.

2.1.4. Garden Sites. As irrigation is applied at agronomic rates, no runoff from irrigation is expected and no evidence of such currently exists. No drainage or erosion issues were observed within any of the cultivation areas.

2.1.4.1. *Area A*. This site is located on a graded area adjacent to the residence, with slopes of approximately 5% and adjoining natural hillslopes of approximately 27%. Vegetation surrounding the cultivation area is a small amount of grassland surrounded by timberland. The hillslope immediately adjacent to Area A is naturally vegetated with grasses and stable, with no evidence of potential failure or sediment transport to watercourses. As the slope of the garden site is 5% or less, surface water is naturally absorbed and recharged back into the existing landscape without channelization. The nearest watercourses are two (2) Class III watercourses to the west and south, approximately 140 ft and 160 ft away, respectively. The Project will not result in discharges or that could affect surface water or groundwater quality.

2.1.4.2. *Area B*. This garden is on a natural bench at the top of a large grassland meadow, just west of the access road. The slope of the site is approximately 5-10 % with adjoining natural hillslopes of approximately 21 %. Vegetation surrounding the cultivation area is grassland surrounded by timberland. The hillslope immediately adjacent to Area B is naturally vegetated with grasses and stable, with no evidence of potential failure or sediment transport to watercourses. As the slope of the garden site is 5% or less, surface water is naturally absorbed and recharged back into the existing landscape without channelization. The nearest water feature is a Class III stream approximately 150 ft to the northwest of the cultivation area. The Project will not result in discharges or that could affect surface water or groundwater quality.

2.1.4.3. *Area C*. This site is located on a graded pad on a natural bench, just adjacent to the access road. The slope of the site is less than 5 % with surrounding hillslopes of approximately 21 %. Vegetation surrounding the cultivation area is grassland savanna and

timberland. As the slope of the garden site is 5% or less, surface water is naturally absorbed and recharged back into the existing landscape without channelization. The nearest water feature is a perennial spring approximately 220 ft from the cultivation area. The Project will not result in discharges or that could affect surface water or groundwater quality.

2.1.5. Legacy Waste Discharge Issues. No legacy waste discharge issues have been identified on the property.

2.2. Sediment Erosion Prevention and Sediment Capture

2.2.1. Erosion Prevention & Control BPTC Measures.

All activities that require construction equipment (i.e. any work beyond manual labor) shall take place in accordance with the following requirements:

- Only be performed between April 2 and November 14 each year, unless authorized by a Regional Water Board Executive Officer during the winter period
- Only be performed during periods of dry weather and not within any 48 hours in which the applicable daily weather forecast for any 24 hour period reports a 50 percent or greater chance of precipitation greater than 0.5 inch per 24 hours.
- Performed by Qualified Professional when required and/or appropriate
- All equipment shall be cleaned before arriving and before leaving the site in an effort to prevent the spread of invasive species

2.2.1.1. *Private Driveway/Access Road*. In board ditch features are drained by ditch relief culverts that outlet into naturally grassy meadows or gentle (less than 15%) hillslopes. All repairs and upgrades will be in accordance with the designs and guidelines set forth in the *Handbook for Forest, Ranch, and Rural Roads*¹ (Road Handbook), and the maximum distance between water breaks shall not exceed those defined in the Road Handbook.

2.2.1.1.1. Site 01

2.2.1.1.1.1. Interim. A small waterbar will be installed near the intersection that will direct runoff from the Wilder Ridge Road into the inside ditch. The ditch shall be deepened and cleared for a distance of 150 ft from the intersection of the driveway with Wilder Ridge Road. At the downstream end of this ditch, a leadout ditch shall be installed that drains onto the grass field south of the driveway. Two (2) staked straw/jute wattles will be placed at the outlet of the leadout ditch to disperse ditch flows and prevent downcutting. Interim measures will be completed by November 15, 2019.

¹ <<http://www.pacificwatershed.com/PWA-publications-library>>

2.2.1.1.1.2. Long-term. Humboldt County requires the paving of the private driveway for a width of 18 ft and length of 50 ft at the intersection with Wilder Ridge Road. Prior to paving, the driveway may be recontoured with outsloping or crowning, and a drainage feature may be installed (paved ditch or drainage culvert) where the drive meets the Road. These upgrades shall be designed in accordance with the Road Handbook and proper permitting pursued through Humboldt County. All disturbed surrounding areas resulting from roadwork at this site shall be mulched at a rate of 2 tons/acre with weed-free straw mulch and seeded with native grass mix within seven (7) days of project completion. Road upgrading at this site will take place by November 15, 2021.

2.2.1.1.2. Site 02

2.2.1.1.2.1. Interim. A ditch relief culvert drains the inside ditch at this location. The downstream end of the culvert opens onto the top of a naturally-vegetated grassy meadow, with slopes less than 15 %. Two (2) staked straw/jute wattles will be placed at the outlet of the culvert to disperse ditch flows and prevent downcutting. Interim measures will be completed by November 15, 2019.

2.2.1.1.2.2. Long-term. A small rocked swale utilizing a minimum of 2-inch angular rock may be installed at the end of the ditch relief culvert in order to dissipate and prevent runoff channelization. All upgrades and designs will be consistent with the Road Handbook, and all disturbed surrounding areas resulting from roadwork at this site shall be mulched at a rate of 2 tons/acre with weed-free straw mulch and seeded with native grass mix within seven (7) days of project completion. Rock swale installation will take place by November 15, 2021.

2.2.1.2. *Stream Crossings*. A Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) has been secured for any work in watercourses (#1600-2017-0389-R1; Site 03). Any additional guidelines, treatments, or restrictions set forth under the finalized LSAA shall be followed. Work will be conducted during periods of dry weather in the summer months, when little to no surface water is present. If water is present, then the Discharger shall develop a site-specific plan prepared by a Qualified Professional. The plan shall consider partial or full stream diversion and dewatering, and approved by CDFW prior to implementation.

2.2.1.2.1. Site 03

2.2.1.2.1.1. Interim. Gravel “pillows” maybe be placed at the toe and upstream and downstream faces of the fill of the crossing to stabilize the site until removal is possible. Interim measures will be completed by November 15, 2019.

2.2.1.2.1.2. Long-term. All activities will take place in consult with CDFW and under the terms of the LSAA. The existing crossing will be decommissioned, and the culvert removed. The stream channel will be cleared of fill and the surrounding approaches recontoured to the natural hillslope. All spoils shall be removed and deposited upslope, out of the riparian buffer zone. Any exposed soils will be mulched with native straw/hay mixture at a rate of 2

tons/acre. Jute mats and/or straw wattles may also be used on and around the streambanks at the crossing site and on and around the sediment contours deposited upslope. No trees shall be removed during this activity. Any construction debris shall be hauled off-site to an approved waste management facility. Culvert removal and crossing decommissioning will take place by November 15, 2021.

2.2.1.3. *Garden Sites.* There are no erosion control issues at any of the garden sites. To prevent erosion and runoff, irrigation water will be applied at agronomic rates via hand watering methods (i.e. there will be no runoff from irrigation). Irrigation lines also have safety shutoff-valves so as to prevent runoff of irrigation water into the surrounding landscape in the event of a failure or leak. Float valves shall be installed in water storage tanks, where appropriate in order to prevent overflow from the tanks that could result in channeling or rill formation in the surrounding hillslopes.

Topsoil preservation measures include planting cover crop (clover and other species) during the fallow season, minimal tilling on calm days during planting, and mulching or utilizing weed mats where appropriate.

Any soil piles resulting from cultivation activities will be bordered by straw wattles surrounding the pile and covered with plastic sheeting or other similar material prior to the onset of fall rains or the winter period (November 15), whichever occurs first.

2.2.2. Sediment Control BPTC Measures.

There are no current sediment control issues in the Project area.

2.2.2.1. *Private Driveway/Access Road.* Dust will be minimized in the Project area by restricting vehicular traffic to the driveway and associated parking areas. No heavy equipment shall be operated if wind gusts exceed 25 mph.

2.2.2.2. *Stream Crossings.*

2.2.2.2.1. Site 03

A properly installed silt fence shall be placed in the channel downstream of the crossing to catch any sediment discharge resulting from culvert removal. Silt fence installation shall be in accordance with the designs and guidelines described in the Road Handbook. Any exposed soils resulting from culvert removal will be mulched with native straw/hay mixture at a rate of 2 tons/acre; jute mats and/or straw wattles may also be used on any exposed soils on and around the streambanks at the crossing site, post-removal. Any captured sediment and other spoils will be removed out the riparian zone and deposited upslope on stable ground with the other spoils (fill) from this site. All spoils will be recontoured to the deposit location topography and covered with mulch and/or jute or other natural fiber mat. Straw wattles or jute fiber rolls will be placed at the toe of the spoils deposit. The silt fence shall be removed from the site after all activities at the site are complete and any loose soils are properly mulched and stabilized.

2.2.2.3. *Garden Sites.* No sediment control issues exist at any of the garden sites. Topsoil preservation measures include planting cover crop (clover and other species) during the fallow season, minimal tilling on calm days during planting, and mulching or utilizing weed mats where appropriate. Any soil piles resulting from cultivation activities will be bordered by straw wattles surrounding the pile and covered with plastic sheeting or other similar material prior to the onset of fall rains or the winter period (November 15), whichever occurs first.

2.2.3. Maintenance Activities.

2.2.3.1. *Monitoring & Maintenance.* All sediment and erosion control features (i.e. driveway drainage ditches and waterbars, driveway surface, and soil coverings and wattles) will be monitored weekly year-round and before and after any storm event that produces at least 0.5 in/day or 1.0 inch/7 days of precipitation. Any ineffective erosion control features shall be immediately repaired or replaced, or mitigated when replacement is not feasible during the wet season. If regular driveway maintenance is required, it will occur during dry weather in the summer months. If emergency repairs are required, NCRWB staff will be immediately notified and a schedule of repair activities will be determined based on consult with NCRWB. All culvert road improvements in the future shall utilize angular rock, out-sloping, rolling dips, and water bars, as appropriate.

2.2.3.2. *Sediment Control Maintenance.* It is not anticipated that any large amounts of sediment will require stabilization or removal from the site. Any excavated spoils from Site 03 that are removed and deposited upslope shall be monitored for stability at the relocation site at least once per week year round and after any storm event that produces at least 0.5 in/day or 1.0 inch/7 days of precipitation. If any evidence of instability is encountered, additional mulch and straw wattles and/or silt fencing will be installed.

The surface of the driveway and all parking areas shall be maintained so as to prevent dust that might otherwise produce sediment-laden runoff during the wet season.

3. Riparian and Wetland Protection and Management

3.1. Distance to Nearest Watercourses

Assessment of the property concluded that cultivation areas and associated facilities are not located or occurring within 150 ft of any Class I watercourse or spring, nor within 100 feet of any Class II watercourse or wetland, nor within 50 ft of any Class III watercourse. The distances to the nearest watercourses from areas developed for cannabis cultivation and related activities are as follows:

- Area A: 140 ft & 160 ft to west & south Class III streams, respectively
- Area B: 150 ft to northwest Class III stream
- Area C: 220 ft to south perennial spring
- Barn/shop for cannabis-related materials: 150 ft from perennial spring

3.2. Buffers

Current riparian buffers consists mostly of native conifer and hardwood tree species, as well as various native shrubs, grasses, and other flowering species. Non-native pasture grasses are also present. Aquatic and riparian habitats shall remain intact with minimal to no disturbance, outside of those necessary during stream crossing upgrades and/or decommissioning. This Project anticipates no removal of vegetation within the riparian buffer zones. All existing, naturally occurring vegetative cover shall remain intact. Buffers maintain natural slopes with native vegetation, and buffers are of sufficient width to filter any wastes from unintended runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances.

3.3. Runoff

All runoff from soil and garden wastes shall be minimized by storing such wastes on low-gradient slopes in distinct compost bins and/or areas near each cultivation site, outside of the riparian buffer zones.

4. Water Supply, Diversion, Storage, Use, and Conservation

4.1. Supply and Diversion

One point of diversion (POD; see Site Map) located near the southern border of the Project area provides water for the Project. Intake infrastructure consists of a 1" diameter poly pipe placed in small spring pool. The intake of the pipe is screened with 3/32" diameter screening (CDFW-approved). The poly-pipe gravity feeds surface waters to nearby closed water storage tanks downslope from the POD. Water is then conveyed to additional storage tanks and eventually the three cultivation sites via a pumping system. The diversion infrastructure shall be regularly inspected (at least once every two weeks) and maintained and/or repaired when necessary.

No surface water shall be diverted for the Project unless it is diverted under the current water right, SIUR H506896 (Certificate H100547), secured through the SWRCB Department of Water Rights in September 2019. A total of 40,015 gallons (0.1228 acre-feet) is authorized under this water right. The diversion is also authorized under CDFW LSAA #1600-2017-0389-R1

Water will be diverted for the Project during the SWRCB authorized surface water diversion period, November 1 – March 31. Surface water diversion shall only occur during those times where Numeric Instream Flow Requirements have been met for the associated compliance gage (Mattole R NR Petrolia CA, ID: 11469000). A minimum of 50% bypass flow at each POD shall be maintained during all times of diversion.

4.2. Storage

All water storage tanks shall be located outside of the riparian setback zones and not near any equipment that regularly generates heat. Storage tanks are placed on leveled ground and are

easy to access, monitor, and maintain. Total anticipated water storage for the Project is 40,000 gallons.

Currently, water storage capacity is 35,000 gallons and is comprised of the following infrastructure:

- Five (5) 5,000-gallon poly tanks
- Three (3) 3,000-gallon poly tanks
- One (1) 1,000-gallon cement tank

An additional 5,000 gallons of water storage is proposed for the Project, described as follows:

- One (1) 5,000-gallon poly tank; OR
- Two (2) 2,500-gallon poly tanks

4.3. Use

Water will be used for irrigation of cannabis. An estimated 40,000 gallons of water shall be used for this purpose. Trucked water may be used for emergency situations only.

4.4. Conservation

Water conservation measures include, but are not limited to, the following:

- Float valves installed in water storage tanks, where appropriate, in order to prevent overflow from the tanks and avoid unnecessary diversion from surface waters
- Precise overhead water or drip irrigation applied at agronomic rates
- Exposed soils within the garden areas are mulched with weed-free mulch or covered with weed mats to reduce soil moisture loss to evaporation
- Irrigation system checked weekly during cultivation season and leaks immediately repaired

4.5. Monitoring and Maintenance

The irrigation system will be checked at least weekly during the cultivation season. Any detected leaks in the irrigation system/s shall be fixed immediately so as to reduce runoff and water wastes from such incidents; worn out or malfunctioning components shall be replaced. Additionally, all irrigation lines have metering devices installed (May 2019) immediately downstream of the POD to account for actual water withdrawn and diverted to storage. Actual water diverted and used shall be recorded weekly and reported on an annual basis to SWRCB. All records shall be kept for a minimum of five (5) years.

5. Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures

5.1. Table of Products Used

PRODUCT	USE	DELIVERY DATE	STORAGE	NOTES
Molasses (food-grade)	Fertilizer	April	Original container w/in plastic bin in locked barn (Compartment 1)	Any unused product is stored appropriately in locked barn over winter
Bat Guano	Fertilizer	May	Original container in plastic bin in locked barn (Compartment 1)	Any unused product is stored appropriately in locked barn over winter
Earth Juice Rainbow Mix Pro Bloom	Fertilizer	May	Original container in plastic bin in locked barn (Compartment 1)	Any unused product is stored appropriately in locked barn over winter
Alaska Morbloom	Fertilizer	May	Original container in plastic bin in locked barn (Compartment 1)	Any unused product is stored appropriately in locked barn over winter

5.2. Site Plan Map

Please see the accompanying Site Plan showing the storage locations for all fertilizers, nutrients, amendments, and pesticides (collectively termed “agricultural chemicals”). All agricultural chemicals are stored in the barn/shop (Site 04) near Area C.

5.3. Storage, Mixing, Application, and Disposal

5.3.1. Storage. All nutrients, liquid fertilizers, and liquid amendments will be located in the locked barn/shop identified on the Site Map. Such liquids will be contained within their original, water tight, labeled containers in accordance with manufacturer instructions and also within secondary containment (e.g. plastic bins). Bagged nutrients (e.g. manure, compost) and amendments shall be stored in their original packaging within secondary containment (bins) also within the same storage compartment as the fertilizers. Pesticides and herbicides will be stored in a separate locked compartment from the fertilizers and amendments. All pesticides and herbicides will be stored in their original labeled containers in secondary containment. The storage barn/shop and any relevant internal compartments shall be labeled with appropriate signage, in accordance to CCR Div.6, Chpt.3, §6674.

5.3.2. Mixing. Designated site personnel will be trained to handle, mix, apply and dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer recommendations and CDPR requirements.

5.3.3. Application. Fertilizers and other nutrients will only be applied according to crop need (agronomic rates). Application rates for fertilizer will be tracked monthly in accordance with SWRCB, Humboldt County Agriculture Commissioner, and CDPR requirements. Soil amendments (if any) will be worked into the soil prior to planting. Liquid fertilizers will be applied via hand watering or through the irrigation system. No agricultural chemicals will be applied within 48 hours of a predicted rainfall event of 0.25 inches or greater with a probability greater than 50-percent.

5.3.4. Container Disposal. Empty plastic containers are thrice rinsed, with the rinse water being applied to the plants and/or garden soil, as appropriate. Empty containers are then punctured and/or cut so as to prevent them from holding liquid. They are then disposed of in the designated covered trash bins (see Site Map, Site 08) prior to being hauled offsite to a licensed trash facility as needed, or minimally at the end of the season (November 15), or prior to the onset of fall rains, whichever occurs first. If a HDPE pesticide-container recycling program becomes available in Humboldt County, containers will then be disposed of through this program, in accordance with applicable guidelines.

5.4. Spill Prevention and Cleanup

Site personnel will be trained in proper handling procedures, including spill prevention, countermeasures, and cleanup protocols should emergency arise. Spill kits will be available in the storage barn/shop, including absorbent pads and/or cat litter.

6. Petroleum Product BPTC Measures

6.1. Table of Products Used

PRODUCT	USE	DELIVERY DATE	STORAGE	NOTES
Gasoline	Generator	Year-round, as needed	CARB-approved PFC within secondary containment in shed	Any unused product is stored appropriately within secondary containment in shed
Motor Oil	Generator	Year-round, as needed	Original manufacturer packing within secondary containment in shed	Any unused product is stored appropriately within secondary containment in shed

6.2. Site Plan Map

Site 07 identifies where fuel and other petroleum products are stored.

6.3. Storage, Mixing, Application, and Disposal

6.3.1. Storage. All fuels (i.e. gasoline) will be stored in Portable Fuel Containers (PFCs) that have been certified by the California Air Resources Board (CARB). Motor oil will be stored in

original manufacture's packaging. When not in use, all petroleum-product container/s will be stored in a detached shed (Site 07) adjacent to the residence, just north of the cultivation area. The shed provides adequate protection from sun, wind, rain, and accidental ignition. The containers will be stored in secondary containment (e.g. plastic bin) suitable for holding the entire capacity of the largest single container. All petroleum products will be stored separately from amendments, fertilizers, and pesticides. No bulk fuel storage is present on the property.

6.3.2. Mixing. Any mixing of fuels will take place within secondary containment outside of riparian setback zones.

6.3.3. Application. Fuels will be used for residential use and for small generator (Honda EU 2000 or similar) operation to run electric water pumps in the water storage and irrigation system. All refueling will take place within secondary containment outside of the riparian setback zones.

6.3.4. Disposal. Any compromised fuels intended for disposal shall be disposed of at Humboldt Waste Management Authority's (HWMA) Hazardous Waste Facility, in accordance with their guidelines and procedures.

6.4. Describe procedures for spill prevention and cleanup. Spills shall be prevented by storing fuels in CARB-approved storage/dispensing containers and mixing within secondary containment. Spill kits (including absorbent pads and/or cat litter) will be kept on hand. Any spills shall be addressed with appropriate absorbent materials, which will then be taken off-site to an approved waste management facility (HWMA).

All equipment and vehicles will be inspected prior to use and also regularly inspected for leaks. All equipment using petroleum products will be parked or located outside of the riparian setbacks. Vehicles shall be parked in the designated parking areas on the Site Plan. All repairs will be conducted off-site, unless an emergency repair is required. All fluids generated from an emergency repair shall be taken off-site and properly disposed and/or recycled. If refueling of vehicles or equipment onsite is necessary, it shall only be performed outside of the riparian setbacks.

7. Trash/Refuse, and Domestic Wastewater BPTC Measures

7.1. Types of Trash/Refuse

7.1.1. Cultivation Waste. Cultivation vegetative matter such as root balls, branches, and leaves will be composted on-site in the designated compost areas (see Site Plan, Sites 06 and 07). No materials associated with the cultivation and processing of cannabis will be burned.

7.1.1.1. *Site Plan Map*. Please see the accompanying Site Plan showing the storage locations for cultivation wastes (Sites 06 and 07).

7.1.2. Solid Waste. All other wastes, including cultivation-related (non-plant material) and household refuse & recycling, plastics, packaging, irrigation, pots, lighting, electrical fixtures, wiring, and fencing shall be collected in designated trash and recycling containers (lidded trash cans) which will be located onsite in or adjacent to the garage/shop near the residence. The containers are covered to prevent storm water contamination and leachate from entering or percolating to receiving waters. The containers will also be restricted from animal access. Solid waste and recycling will be hauled off-site by site personnel hauler at least once every two weeks, or as necessary.

7.1.2.1. *Site Plan Map*. Please see the accompanying Site Plan showing the storage locations for solid wastes (Site 08).

7.1.3. Hazardous Waste. Although their production is not anticipated, any hazardous wastes (such as fuels or solvents) shall be stored so as to prevent exposure to sunlight, excessive heat, and precipitation, and stored within secondary containment in the garage/shop (Site 09) until they can be taken to a county-approved hazardous materials collection facility, as appropriate.

7.2. Employees

No employees are anticipated for this project; all activities will be conducted by the owner-operator. The only visitors will be authorized personnel from various local (Humboldt County) and state agencies (e.g. CDFA, SWRCB, CDPR, etc.). Other than the residence located on the Property, there are no residences within 600 feet of the Project site.

7.2.1. Type of Wastewater. Since irrigation shall be applied at agronomic rates, no effluent (cultivation wastewater) is anticipated at the site. A flush toilet, sink, and shower are available for owner-operator use.

7.2.2. Wastewater Disposal. A septic system is located onsite. The Discharger is working with the Humboldt County to ensure all necessary permits are on-file for these facilities. The septic tank shall be pumped by a licensed servicer at least once per year prior to the onset of the winter period (November 15), or more frequently, as needed.

The septic tank and leach field are located adjacent to the residence and are located far from surface waters and do not pose a threat to water quality. It is the Discharger's responsibility to ensure compliance with the Humboldt County Department of Environmental Health and Human Services.

7.2.2.1. *Site Plan Map*. Please see the accompanying Site Plan for the locations of the bathroom facilities (toilet, sink, shower).

8. Winterization BPTC Measures

8.1. Description of Activities

8.1.1. Garden Sites. A cover crop will be planted prior to November 15. Any unused or spent soil piles will be covered with plastic sheeting and surrounded by straw wattles.

8.1.2. Construction Sites. No heavy equipment of any kind shall be operated during the winter period, unless authorized for emergency repairs. Any exposed soil resulting from summertime construction activities or heavy equipment use will be reseeded with native grass, flower, and forb mixture and mulched at a rate of 2 tons/acre. Straw wattles or jute mat will be placed on or at the toe of any exposed spoils deposits/contours.

8.1.3. Agricultural Chemicals. All unused fertilizers, nutrients, amendments, and pesticides will remain in their original containers in secondary containment bins within the barn/shop (Site 04) near Areas B and C.

8.1.4. Waste and Refuse. All cannabis plant material will be placed in the designated compost areas. All other solid wastes shall be taken to a licensed designated waste management facility. On-site collection containers shall remain covered and secured so as to not blow away during winter storms. The septic system shall be pumped by a licensed servicer as needed.

8.2. Maintenance Activities

All sediment and erosion control features (i.e. driveway drainage ditches, driveway surface, and soil coverings and wattles) will be monitored weekly year-round and before and after storm events in the winter months. Any debris will be removed from driveway drainage features. If emergency driveway or bioswale maintenance is required during the winter months, NCRWB staff will be immediately notified and a schedule of repair activities will be determined based on consult with NCRWB.

8.3. Revegetation Activities

Any exposed soil resulting from project activities or heavy equipment use will be reseeded with native grass, flower, and forb mixture prior to the onset of fall rains, or mulched with a native grass straw/hay mixture which will not only reduce erosion, but provide a mechanism for reseeding during the wet season.

8.4. Compliance Schedule

All Interim BPTC measures will be completed before the onset of the winter period (November 15) and/or immediately following land disturbance or other site development activities. All other Long-term BPTC will be completed prior to the onset of the winter period in 2021.

8.5. Legacy Waste Discharges

No legacy waste discharge issues exist on the property (parcel) where the Project is located.

Prepared in accordance with General Order WQ 2019-0001-DWQ

King Peak LLC



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

KINGS PEAK LLC
Aggs# 11536

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

Applicant Name: Chris King APN: 107-261-011

Planning & Building Department Case/File No.: 2CC16-161

Road Name: Chris's private rd (complete a separate form for each road)

From Road (Cross street): _____

To Road (Cross street): _____

Length of road segment: _____ miles Date Inspected: _____

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

Check one of the following:

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

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

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

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

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

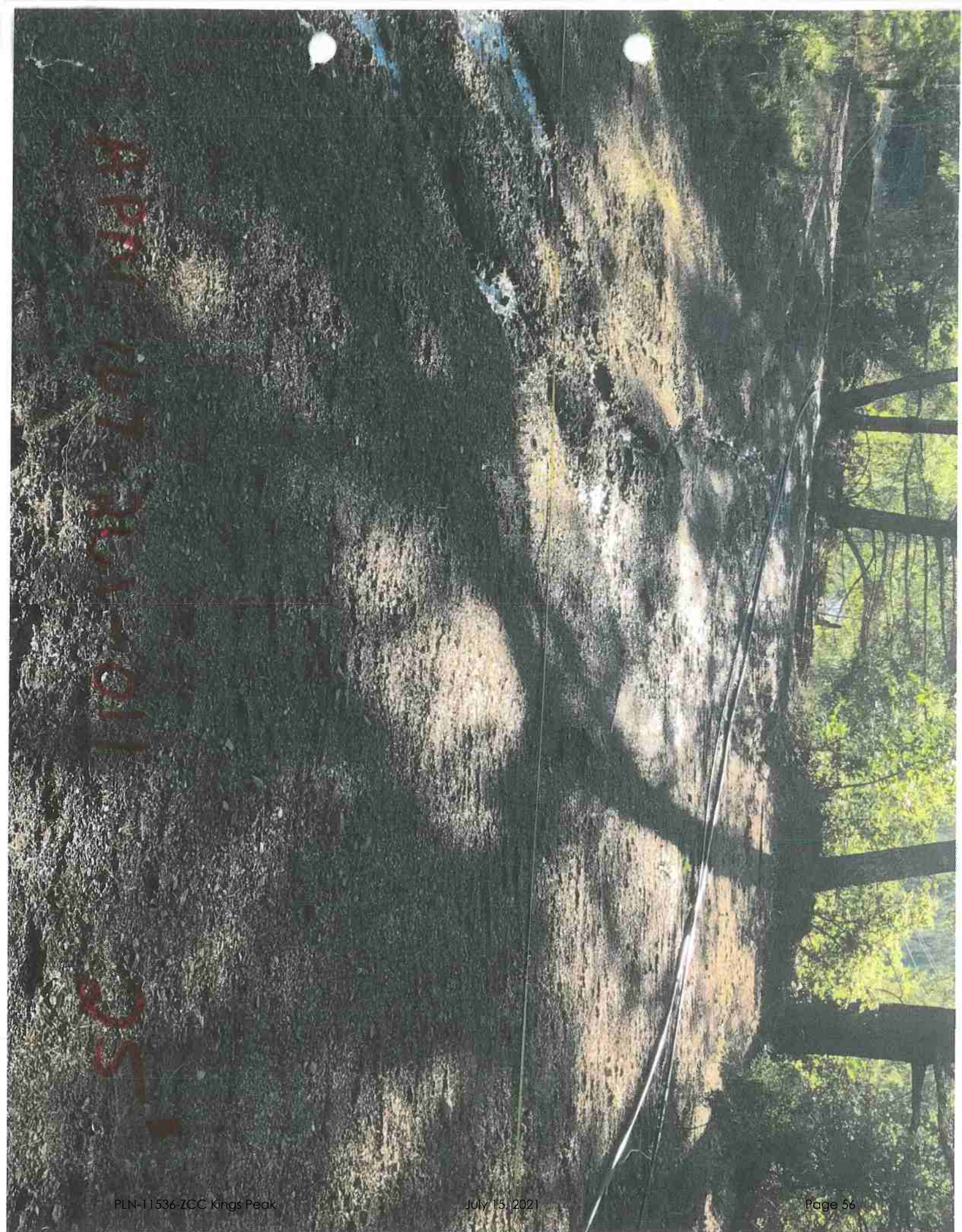
Signature

Date

Chris King
Name Printed

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





ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Approval	Attached
Public Works, Land Use Division	✓	Conditional Approval	Attached
California Department of Fish & Wildlife	✓	No Response	Attached – staff response to comments
Northwest Information Center	✓	No Further Study	On file and confidential
Bear River Band of Rohnerville Rancheria		Conditional Approval	On file and confidential
Intertribal Sinkyone Wilderness Council	✓	No Response	
Bureau of Land Management		No Response	
Mattole Unified School District	✓	No Response	



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION
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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 5-7-2018

RE:

Applicant Name	Kings Peak, LLC
APN	107-261-011
APPS#	11536 ZCC16-161

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 //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11536

☒ COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

☐ COUNTY ROADS- DRIVEWAY (PART 1):

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

☐ COUNTY ROADS- DRIVEWAY (PART 2):

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

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

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

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

☐ COUNTY ROADS- DRIVEWAY (PART 3):

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

☐ COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

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

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

☒ COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

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

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

☒ COUNTY ROADS- PRIVATE ROAD INTERSECTION:

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

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

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

☐ COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //

From: [Meghan Ryan](#)
To: [Bauer, Scott@Wildlife](mailto:Bauer.Scott@Wildlife)
Cc: ["Johnson, Cliff"](#); [Cameron R. Purchio](#)
Subject: APPS #11536, Kings Peak, LLC, APN: 107-261-011: PROJECTED HEARING DATE - JULY 15, 2021
Date: Friday, June 25, 2021 9:27:00 AM
Attachments: [11536_ref_CDFW.pdf](#)

Good morning, Scott – I hope this email finds you well! I am writing today to provide responses to CDFW comments for the Kings Peak, LLC, project.

1. No new ground disturbance is proposed as a part of the project.
2. Noise attenuation measures will be applied as part of the project. The project is for outdoor cultivation and propagation does not require the use of supplemental lighting.
3. The remaining items will be required as conditions of approval. The applicant is required to adhere to and implement any requirements of the Final Streambed Alteration Agreement issued by CDFW.

Please let me know if you have any further questions or comments 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>

This e-mail and its attachments are confidential. E-mail transmission cannot be assured to be secure or without error. LACO Associates therefore does not accept liability for any errors or omissions in the contents of this message. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail. Please notify the sender or postmaster@lacoassociates.us by e-mail if you have received this e-mail by mistake, and delete this e-mail from your system.



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



9/28/2017

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, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Intertribal Sinkyone Wilderness Council, Mattole Unified School District

Applicant Name Kings Peak, LLC **Key Parcel Number** 107-261-011-000

Application (APPS#) 11536 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-161

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

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

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

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

Return Response No Later Than 10/13/2017

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

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

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

☒ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: 2/1/18

PRINT NAME: Ian Mion



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.: 45403
Parcel No.: 107-261-011
Case No.: ZCC 16-161

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: revise plot plan to show
removed outdoor grow

Name: Ian Mion

Date: 2/1/18

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.



California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Kings Peak		Date: 10/31/2019	
APPS No.: 11536	APN: 107-261-011	DFW CEQA No.: 2017-0889	
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Outdoor (SF): 3,000		

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 the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- ☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. Surveys should be conducted in order to identify and establish buffers for any sensitive natural communities, such as wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. CDFW databases such as the California Natural Diversity Database (CNDDDB), and the Biogeographic Information and Observation System (BIOS), can be used as scoping tools for minimum baseline information regarding sensitive biological resources within the 7.5-minute quadrangle and all adjoining quadrangles. Biological, botanical, and/or wetland delineation surveys should be conducted by a qualified biologist with appropriate training. Botanical surveys should follow the protocol in CDFW's 2009 "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>).

Please note the following information:

- ☒ The Project is located within Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW requests that the applicant assume presence and avoid impacts as determined by a qualified biologist, in consultation with CDFW. Avoidance measures include noise attenuation wherein generators are covered such that noise released is no greater than 50dB measured at 100ft. CDFW recommends that the applicant be required to submit a Noise and Light Attenuation Plan for review and approval in consultation with CDFW prior to the use of any generators, fans, or artificial light use.
- ☒ 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.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

- ☒ That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
- ☒ A Final Lake or Streambed Alteration Agreement (1600-2017-0389-R1) has been issued to the applicant. As of October 2019, the applicant has not met the required reporting measures.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Fisher - West Coast DPS (*Pekania pennanti*), Long-eared Myotis (*Myotis evotis*), North American Porcupine (*Erethizon dorsatum*), Northern Spotted Owl (*Strix occidentalis caurina*), Townsend Big-eared Bat (*Corynorhinus townsendi*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northwestern Salamander (*Ambystoma gracile*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

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

From: [Whittlesey, Joseph](#)
To: [Planning Clerk](#)
Subject: Emailing - Environmental Health11536ReferralForm.pdf
Date: Thursday, May 31, 2018 2:47:56 PM
Attachments: [Environmental Health11536ReferralForm.pdf](#)



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

RECEIVED
OCT 13 2017
Humboldt County
Planning Division

9/28/2017

PROJECT REFERRAL TO: Mattole Unified School District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Intertribal Sinkyone Wilderness Council, Mattole Unified School District

Applicant Name Kings Peak, LLC **Key Parcel Number** 107-261-011-000

Application (APPS#) 11536 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** ZCC16-161

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

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

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

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

Return Response No Later Than 10/13/2017

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

DATE: 10/11/17

PRINT NAME: Shari Lovett



Mattole Unified School District

P.O. Box 211, 29289 Chambers Road

Petrolia, CA. 95558

Phone# (707) 629-3311

Fax# (707) 629-3575

TO: Humboldt County Planning and Building Department

FROM: Board of Trustees of Mattole Unified School District

SUBJECT: APPS#11536

DATE: October 6, 2017

Mattole Unified School District desires to promote a safe, drug-free environment for our students and staff. In our attempts to ensure drug-free campuses, we have adopted board policy 4020 Alcohol-Free Workplace and board policy 5131.6 Alcohol and Other drugs (attached). These policies are maintained and strictly enforced. Mattole Unified School District does not condone any illegal activity and endeavors to promote a safe and healthy lifestyle.

With this said, upon inspection and in accord with Ordinance 2559, Section 313 of Chapter 3, Division 1 of Title III of the Humboldt County Code, at this time, the proposed project's cultivation area does not appear to be within 600 feet of a school or school bus stop. The need to add bus stops is subject to change, and it is possible the District may need to add a bus stop at some point which would violate this provision of the County Code. However, at this time, there is no conflict.



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT - PLANNING DIVISION
3015 N STREET, EUREKA, CA 95501 - PHONE (707) 443-7341

PROJECT TRANSMITTAL

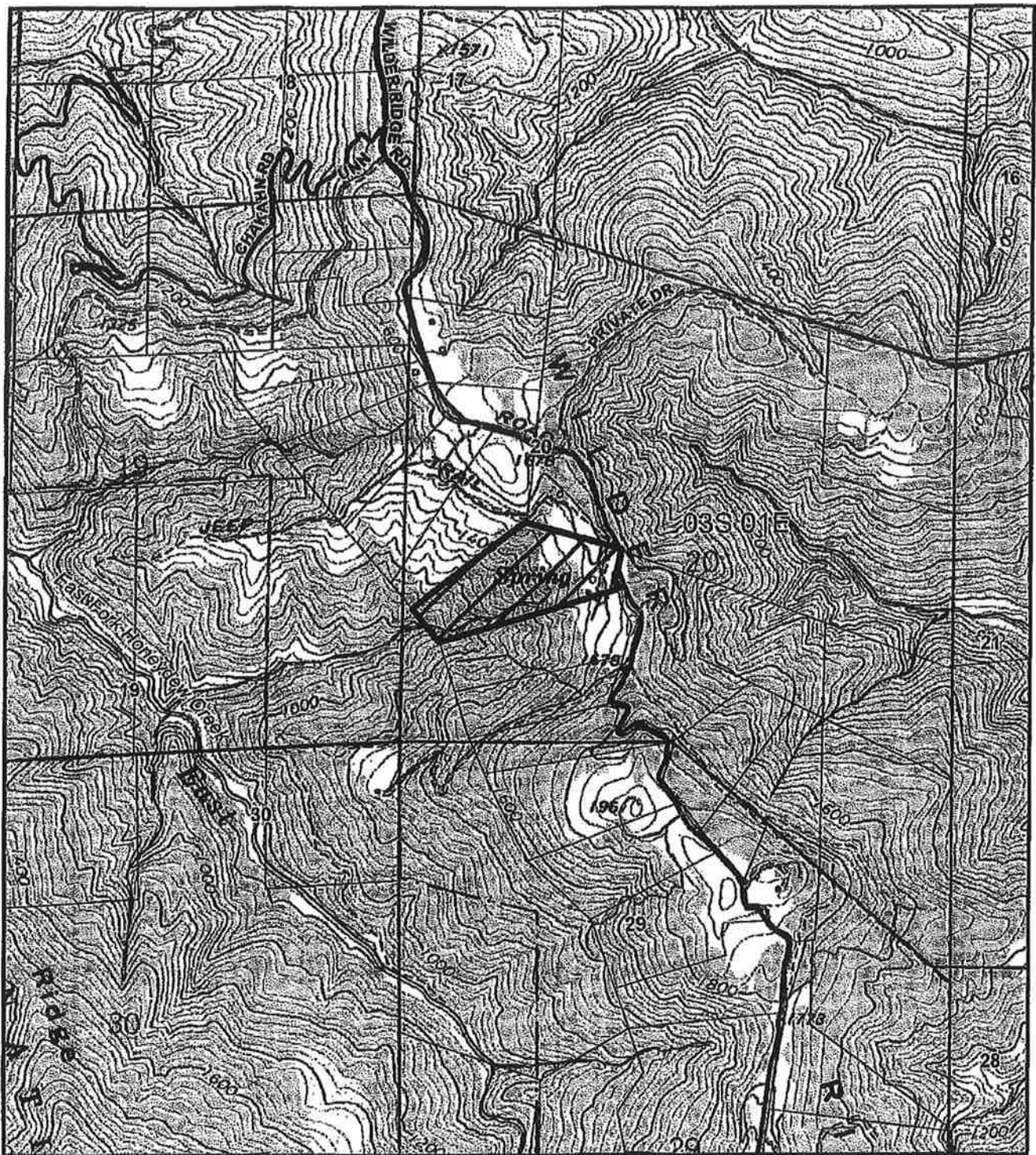
APPLICANT Kings Peak, LLC KEY PARCEL 107-261-011-000 Honeydew DATE 9/21/2017 CONTACT Cannabis Planner (CPOD) APPS# 11536

PROJECT INFORMATION	
SUBJECT Zoning Clearance Certificate	CASE NUMBERS ZCC16-161
PROJECT DESCRIPTION An application for a Zoning Clearance Certificate for 3,000 square foot existing outdoor medical cannabis cultivation. Irrigation water is sourced from two surface water points of diversion. Water storage capacity on site is 3,800 gallons distributed amongst 2 hard tanks. Processing is performed off site with a third party. No power source described as needed.	
PROJECT LOCATION The project is located in Humboldt County, in the Honeydew area, on the west side and adjacent to Wilder Ridge Road, approximately 2.25 miles North from the intersection of Fox Springs Road and Wilder Ridge Road, on the property known as 4694 Wilder Ridge Road.	
PRESENT PLAN DESIGNATIONS Agricultural Lands (AL), Framework Plan (FRWK), Density: 160 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2)	PRESENT ZONING Forestry Recreation (FR) B-5
KEY PARCEL NUMBER 107-261-011-000	ADDITIONAL PARCEL #S

APPLICANT INFORMATION	OWNER INFORMATION	AGENT INFORMATION
Name Kings Peak, LLC Address 1 Teresa Davey Address 2 PO Box 83 City Honeydew State CA Zip 95545 Phone 707-599-9727 E-Mail	Name King Christopher C Address1 Address2 Po Box 83 City Honeydew State CA Zip 95545 Phone E-Mail	Name Janssen Malloy Address1 Jeffery Slack Address2 730 5th Street City Eureka State CA Zip 95502 Phone 707-445-2071 E-Mail

ADDITIONAL PROJECT INFORMATION	
ADDITIONAL OWNERS [Empty Table] Click to Add/Modify Owner First 50 Previous Next Last All Search Table	
DECISION MAKER	Administrative
ENVIRONMENTAL REVIEW REQUIRED?	No
CEQA EXEMPTION SECTION	Other.
EXEMPTION DESCRIPTION	tbd
MAJOR ISSUES	None
STATE APPEAL STATUS	Project is NOT appealable to the California Coastal Commission

COMMERCIAL CANNABIS ACTIVITY				
Operator(s) Table Insert Operator Edit Table First 50 Previous Next Last All Search Table				
<input checked="" type="checkbox"/>	No.	First Name	Middle Name	Last Name
	1	Davey		Davey
			Case Number(s)	ZCC16-161
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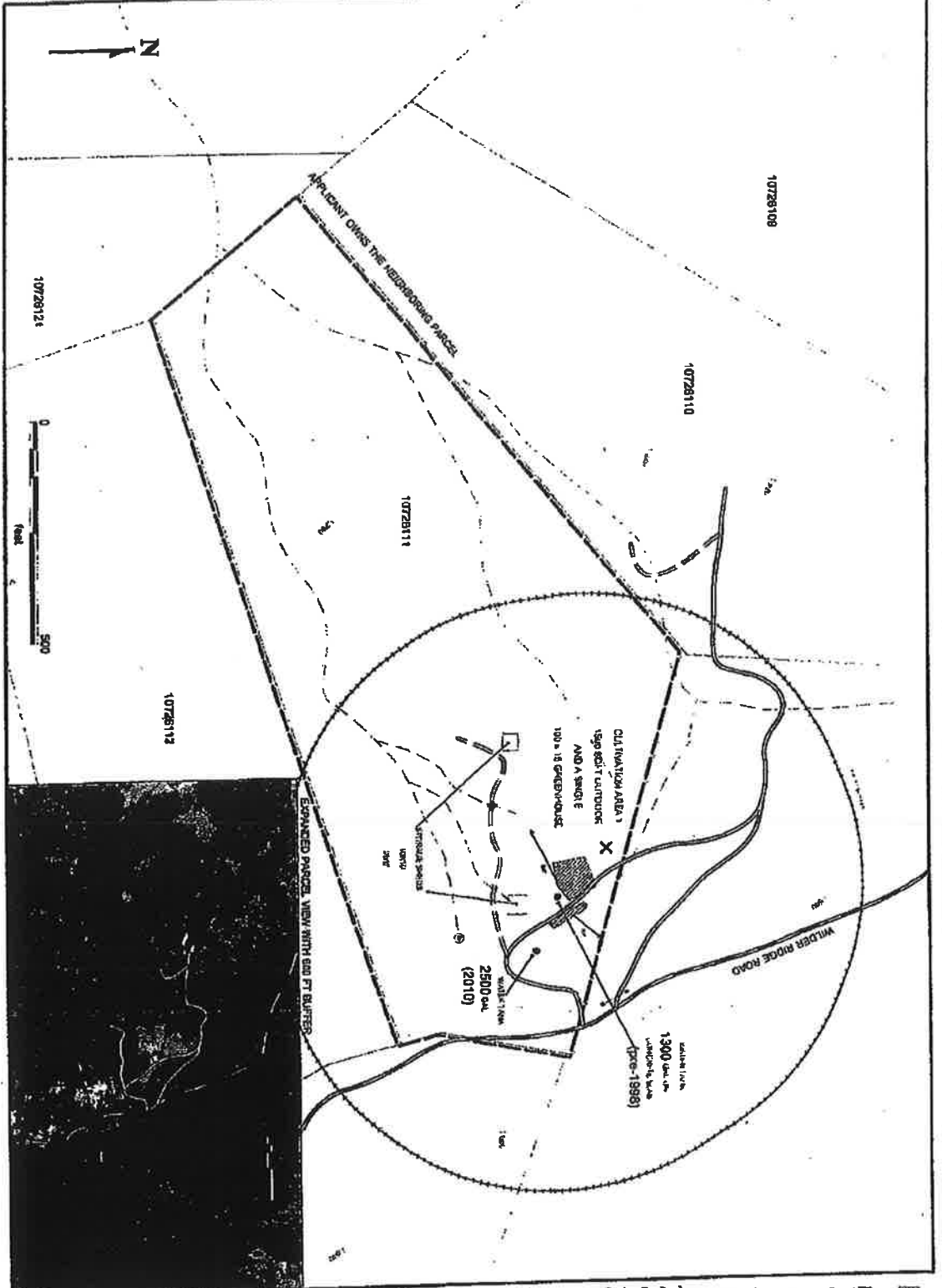
Project Area = 

**TOPO MAP
PROPOSED KINGS PEAK, LLC
HONEYDEW AREA
ZCC-16-161
APN: 107-261-011
T03S R01E S20 HB&M (HONEYDEW)**



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

0 1,000 2,000 Feet



APP #11536 - CASE #ZCC16-161

- CULTIVATION AREA
- WATER STRUCTURE
- PROPERTY BOUNDARY
- PRIVATE ROADS
- WATER CROSSING
- WATER CHANNEL
- ROAD RIGHT OF WAY
- X Point of Diversion
- American Kings Route
- LOT SIZE 20 ACRES
- DWELLING, FARM, FORESTRY, RECREATION
- CULTIVATION AREA 2000 SQ. FT.
- OUTDOOR
- DIRECTION TO SITE
- DRAWING 5 ON US HWY 101
- TRAIL EXIT 100 FOR CA 35A
- TOWARD SOUTH FORK/ROBERTSON
- ON US 99/US 101
- ON RT. 101
- IN 1/2 MI TURN RIGHT ONTO WILDER RIDGE RD
- IN 1/4 MI TURN RIGHT ONTO WILDER RIDGE RD
- WILDER RIDGE RD
- SITE RELOCATED AT 4414 WILDER RIDGE RD
- NO ON WEST SIDE OF ROAD
- THERE ARE NO BUILDINGS, PLACES OF WORSHIP, CULTIVATION AREAS WITHIN 100 FEET OF THE CULTIVATION AREA
- THERE ARE NO OFF-SITE RESIDENCES WITHIN 200 FEET OF THE CULTIVATION AREA, THERE ARE NO KNOWN EASEMENTS ON THE CULTIVATION AREA
- Owner: Christopher King
No graded fills



878 PLAN
PAGE 1 OF 1
08/25/17



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

SCHOOL

Dear School District:

Attached to this letter is a project referral for a proposed cannabis operation.

In accordance with Ordinance 2544, Section 313 of Chapter 3, Division I of Title III of the Humboldt County Code, cannabis projects are required to meet certain setback requirements from schools or school bus stops.

Is the proposed cannabis project locallon within 600 feet of a school or school bus stop?

If the answer is yes, please include information in your response that clearly indicates the location of the school and/or bus stop and the distance to the proposed project. If we do not receive a response from you we will assume that this project conforms to the setback standard.

Thank you for your time and attention in this matter. If you have any questllons regarding this letter please call (707) 445-7541 and ask to speak to the cannabis planner on duty.

Sincerely,

Planning and Building Department

DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to school and district operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during or after school hours at school or in any other district workplace.

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.

2. Establish a drug and alcohol-free awareness program to inform employees about:
 - a. The dangers of drug and alcohol abuse in the workplace
 - b. The district policy of maintaining drug and alcohol-free workplaces
 - c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs and
 - d. The penalties that may be imposed on employees for drug and alcohol abuse violations
3. Notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement and district policy and practices.

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board policy.

In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements and district policies and practices.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4159/4258/4359 - Employee Assistance Programs)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44065 Issuance of credentials

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

THE DRUG-FREE WORKPLACE ACT OF 1988

Public Law 100-690, 5151-5160

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989

H.R. 3614

UNITED STATES CODE, TITLE 21

202 schedules I-V

812 Controlled Substances Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1300.1-1300.15 Definitions relating to controlled substances

Policy
adopted: April 3, 3003

MATTOLE UNIFIED SCHOOL DISTRICT
Petalia, California

**DRUG AND ALCOHOL-FREE WORKPLACE
NOTICE TO EMPLOYEES**

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to the federal Omnibus Transportation Employee Testing Act of 1991, school bus drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

Pursuant to California Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

Pursuant to Education Code 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

DRUG AND ALCOHOL-FREE WORKPLACE NOTICE TO EMPLOYEES
(continued)

Pursuant to Education Code 44940, the district must immediately place on compulsory leave of absence any certificated employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940, the district may immediately place on compulsory leave of absence any certificated employee charged with certain controlled substance offenses.

Exhibit
version: April 3, 3003

MATTOLE UNIFIED SCHOOL DISTRICT
Petroia, California

Policy
adopted: January 10, 2004
Students

MATTOLE UNIFIED SCHOOL DISTRICT
Petalia, California
BP 5131.6(a)

ALCOHOL AND OTHER DRUGS

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs and desires that every effort be made to reduce student use of these substances. The Board perceives this effort as an important step towards preventing violence, promoting school safety and creating a disciplined environment conducive to learning.

The Superintendent or designee shall develop a comprehensive prevention and intervention program that includes instruction, referral to a rehabilitation program, enforcement/ discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1020 - Youth Services)
(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

(cf. 1100 - Communication with the Public)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Board expects staff to conduct themselves in accordance with the district's philosophy related to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

(cf. 5137 - Positive School Climate)

The Board also encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

(cf. 1220 - Citizen Advisory Committees)

Instruction

The district shall provide preventative instruction which helps students avoid the use of alcohol and other drugs. Comprehensive, age-appropriate K-12 instruction shall address the legal, social, personal and health consequences of drug and alcohol use, promote a sense of individual responsibility, and inform students about effective techniques for resisting peer pressure to use alcohol and other drugs.

BP 5131.6(b)

ALCOHOL AND OTHER DRUGS (continued)

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use when such use is illegal.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

(cf. 4131 - Staff Development)
(cf. 6142.2 - AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

Intervention, Referral and Recovering Student Support

The Board believes that effective interventions should be available to assist students who use alcohol or other drugs. School staff, students and parents/guardians shall be informed about signs and symptoms which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling and rehabilitation for students and their family members. The district shall help recovering students to avoid reinvolvement with alcohol and other drugs by providing school and/or community service activities designed to increase students' sense of community.

(cf. 6142.4 - Learning Through Community Service)

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy and administrative regulations.

(cf. 5145.11 - Questioning and Apprehension)
(cf. 5145.12 - Search and Seizure)

BP 5131.6(c)

ALCOHOL AND OTHER DRUGS (continued)

Students possessing, using or selling alcohol or other drugs or related paraphernalia at school or at a school event shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations. Such students also may be referred to an appropriate rehabilitation program.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

EDUCATION CODE

44049 *Known or suspected alcohol or drug abuse by student*
48900 *Suspension or expulsion (grounds)*
48900.5 *Suspension, limitation on imposition; exception*
48901 *Smoking or use of tobacco prohibited*
48901.5 *Prohibition of electronic signaling devices*
48902 *Notification of law enforcement authorities; civil or criminal immunity*
48909 *Narcotics or other hallucinogenic drugs*
48915 *Expulsion; particular circumstances*
49423 *Administration of prescribed medication*
49480 *Notice to school by parent or guardian; consultation with physician*
49602 *Confidentiality of pupil information*
51202 *Instruction in personal and public health and safety*
51203 *Instruction on alcohol, narcotics and restricted dangerous drugs*
51210 *Areas of study*
51220 *Areas of study, grades 7 to 12*
51260 *Elementary and secondary school instruction in drug education by appropriately trained instructors*
51262 *Use of anabolic steroids; legislative finding and declaration*
51264 *CDE assistance for inservice training*
51265 *Gang violence and drug and alcohol abuse prevention inservice*
51268 *Collaboration to avoid duplication of effort*

BUSINESS AND PROFESSIONS CODE

25608 *Alcohol on school property; use in connection with instruction*

HEALTH AND SAFETY CODE

11032 *Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions*
11053-11058 *Standards and schedules*
11353.6 *Juvenile Drug Trafficking and Schoolyard Act*
11357 *Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds*
11361.5 *Destruction of arrest or conviction records*
11372.7 *Drug program fund; uses*
11802 *Joint school-community alcohol abuse primary education and prevention program*

Legal Reference continued: (see next page)

BP 5131.6(d)

ALCOHOL AND OTHER DRUGS (continued)

Legal Reference: (continued)

11965-11969 *The School-Community Primary Prevention Program*
11998-11998.3 *Drug and Alcohol Abuse Master Plans*
11999-11999.3 *Alcohol and drug program funding; no unlawful use*
124175-124200 *Adolescent family life program (Department of Health Services)*

PENAL CODE

13864 *Comprehensive alcohol and drug prevention education*

VEHICLE CODE

13202.5 *Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges*

WELFARE AND INSTITUTIONS CODE

828 *Disclosure of information re minors*

828.1 *Disclosure of criminal records; protection of vulnerable staff & students*

UNITED STATES CODE, TITLE 20

5812 *National education goals*

7101-7143 *Safe and Drug-Free Schools and Communities Act of 1994*

ALCOHOL AND OTHER DRUGS

Instruction

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs, including dangerous drugs defined by Health and Safety Code 11032. (Education Code 51260)

Site administrators shall determine that drug education instructors possess: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

At all grade levels, instruction shall include a study of the effects of alcohol and other drugs upon the human system, as determined by science. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1 through 6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7 through 12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Secondary school instruction shall include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

(cf. 6143 - Courses of Study)

The district drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county office of education staff in planning and implementing collaborative alcohol and drug prevention programs. (Education Code 51260, 51268)

Intervention

The staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who believe that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

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ALCOHOL AND OTHER DRUGS (continued)

If the principal or designee knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

However, school staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. School counselors may report such information to the principal or parent/guardian only

when they believe that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. They shall not disclose such information to the parent/guardian if they believe that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

(cf. 5145.1 - Privacy)

In cases of medical emergency, the principal is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.

(cf. 5141 - Health Care and Emergencies)

Confiscation of Electronic Signaling Devices

Because electronic signaling devices (beepers, cellular telephones, etc.) are sometimes used to facilitate illegal drug transactions, the possession or use of such devices by students is prohibited on school premises, at all school-sponsored activities, and at any time while students are under the supervision and control of district employees. An exception shall be made only when the principal or designee has determined that the device is essential for the student's health and then shall be used only for health purposes. (Education Code 48901.5)

The Superintendent or designee shall confiscate these devices from students.

(cf. 5144 - Discipline)

Enforcement/Discipline

Staff shall notify the principal or designee immediately upon suspecting a student is selling, providing or using alcohol or other drugs.

When any student uses, possesses or sells alcohol or illegal drugs at school or while under school jurisdiction, the following shall result:

1. Parent/guardian contact

AR 5131.6(c)

ALCOHOL AND OTHER DRUGS (continued)

2. Suspension or expulsion in accordance with law or Board policy

(cf. 5144.1 - Suspension and Expulsion/Due Process)

3. Contact with law enforcement authority within one school day of the suspension (Education Code 48902)

In addition, the following actions may be taken:

1. Referral to an appropriate counseling program
2. Transfer/alternative placement
3. Restriction from all extracurricular activities, including athletics, for the length of the semester

(cf. 6145 - Extracurricular and Cocurricular Activities)

Reports

Upon request, the Superintendent or designee shall submit alcohol and drug prevention program information to the California Department of Education, including information on the prevalence of drug use and violence by youth in the schools and community. Such information shall also be made readily available to the public. (20 USC 7117)