



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: **September 16, 2021**

To: Humboldt County Planning Commission

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

Subject: **28759 Humboldt Inc Conditional Use Permit and Special Use Permit**
Application Number PLN-10994-CUP
Assessor's Parcel Number (APN) 211-401-018
Salmon Creek Road, Miranda, CA

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 16, 2021	Conditional Use Permit – Type III Special Permit – Reduced Setback	David Mack, AICP

Project Description: 28759 Humboldt Inc. ("Applicant/Owner") seeks approval for a Conditional Use Permit to permit a maximum of 12,600 square feet (SF) of mixed light cannabis cultivation in eight (8) greenhouses and 700 SF nursery and Special Permit to reduce the required 600-foot setback from public lands. Cultivation is achieved using light deprivation in all greenhouses.

Irrigation water is sourced from an existing groundwater well located (Permit No. 11/12-0233). Annual water use is estimated at 196,000 gallons (15.5 gallons/SF). Existing water storage totals 61,150 gallons in one (1) 20,000-gallon water bladder, nine(9) 3,000-gallon tanks, one (1) 600-gallon tank, one (1) 1,050-gallon tank, and five (5) 2,500-gallon tanks. The applicant is proposing to replace the 20,000-gallon bladder within two years with an additional nine (9) 5,000-gallon tanks (45,000 gallons) for a total water storage quantity of 86,150-gallons. The applicant is also proposing to add gutters to existing structures (20' x 80' barn and 14' x 40' barn) for a combined catchment surface of approximately 2,160 square feet. Assuming 57 inches average rainfall and accounting for a 50% drought factor, the 2,160 SF of catchment gutters will yield 38,372 gallons during drought conditions and approximately 76,740 gallons in average years. The rain capture will reduce demand on the well.

Drying and curing will occur onsite within two (2) existing onsite metal warehouses, measuring 1,600 SF (20' x 80') and 560 SF (14' x 40'). Flowers may be machine trimmed by the owner/operator or taken offsite to be hand trimmed and packaged at a licensed processing facility. There would be three (3) full time employees, with two (2) seasonal employees during peak times. Electricity is provided through the use of a Whisperwatt DCA-150SSVU generator. No on-site fuel storage is proposed other than what is contained within the generator itself. The generator will be enclosed within a structure to provide noise dampening to meeting County requirements.

Project Location: The project is located off Salmon Creek Road, approximately 1,290 feet from the intersection of US Highway 101 and Salmon Creek Road (APN 211-401-018) in the unincorporated community of Miranda, located in southern Humboldt County.

Present Plan Land Use Designations: Residential Agriculture (RA 5-20) 5 acres to 20 acres per dwelling unit, Slope Stability: Low Instability

Present Zoning: Unclassified (U)

Record Number: PLN-10994-CUP

Assessor's Parcel Number: 211-401-018-000

Applicant

28759 Humboldt Inc.
1714 79th Court
West Bradenton, FL 34209

Owner

Humboldt Hill Farms, LLC
1714 79th Court
West Bradenton, FL 34209

Agents

SL Consulting Services
973 Dowler Drive
Eureka, CA 95501
(707) 440-9033

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

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

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

28759 Humboldt Inc.

Record Number: PLN-10994-CUP

Assessor's Parcel Number: 211-401-018

Recommended Commission Action

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

Adopt the Resolution to:

1. *Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;*
2. *Make the required findings for approval of the Special Use Permit; and*
3. *Approve the 28759 Humboldt Inc (10994) Conditional Use Permit and Special Use Permit as recommended by staff subject to the recommended conditions.*

Executive Summary: 28759 Humboldt Inc. ("Applicant/Owner") seeks approval for a Conditional Use Permit to permit a maximum of 12,600 square feet (SF) of mixed light cannabis cultivation in eight (8) greenhouses and Special Permit to reduce the required 600-foot setback from public lands. Cultivation is achieved using light deprivation in all greenhouses. Propagation occurs in two separate warehouse/storage structures totally approximately 2,160 SF. Drying and harvesting material storage also occur in these structures. The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Zoning Clearance Certificate for Interim Permit (IP), and the Cultivation Area Verification (CAV) developed for the site.

The parcel, APN 211-401-018, measures approximately 10.36 acres in size. The parcel is zoned as Unclassified (U) and is described in the Humboldt County General Plan as Residential Agricultural (RA), 5-20 acres per unit. There are existing buildings onsite, including: one (1) 200-SF (10' x 20') pesticide/ag chemical storage building, one (1) 200-SF (20' x 10') harvest storage area, greenhouses (6 existing and 2 proposed) and two (2) warehouse sheds. Drying and curing will occur onsite within the existing sheds. Flowers may be machine trimmed by the owner/operator or taken offsite to be hand trimmed and packaged at a licensed processing facility. There would be three (3) full time employees, with two (2) seasonal employees during peak periods. Electricity is provided through the use of a Whisperwatt DCA-150SSVU generator. No on-site fuel storage is proposed other than what is contained within the generator itself. The generator will be enclosed within a structure to provide noise dampening to meeting County requirements. The project has been conditioned to require the provision of PGE no later than December 31, 2025, which is consistent with past actions of the Planning Commission (**Condition 17**).

The entire subject parcel is located within the 600 foot buffer of State Park lands (located adjacently to the north), however there is no sensitive habitat located within 600 feet of the parcel and the project is not anticipated to have an adverse impact on park resources. State Parks was forwarded project information in March 2021 for review and provided no substantial comments. Therefore the granting of the Special Use Permit to allow a reduced setback is warranted in this case.

Water Resources

Irrigation water is sourced from an existing groundwater well located (Permit No. 11/12-0233). Annual water use is estimated at 196,000 gallons (15.5 gallons/SF). Existing water storage totals 61,150 gallons in one (1) 20,000-gallon water bladder, nine (9) 3,000-gallon tanks, one (1) 600-gallon tank, one (1) 1,050-gallon tank, and five (5) 2,500-gallon tanks. The applicant is proposing to replace the 20,000-gallon bladder within two years with an additional nine (9) 5,000-gallon tanks (45,000 gallons) for a total water storage quantity of 86,150-gallons.

ESTIMATED ANNUAL IRRIGATION WATER USAGE											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
8500	8500	14000	14000	14000	26500	26500	26500	26500	14000	8500	8500

The applicant is also proposing to add gutters to existing structures (20' x 80' barn and 14' x 40' barn) for a combined catchment surface of approximately 2,160 square feet. Assuming 57 inches average rainfall and accounting for a 50% drought factor, the 2,160 SF of catchment gutters will yield 38,372 gallons during drought conditions and approximately 76,740 gallons in average years. The rain capture will reduce demand on the well.

The property is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB), with an enrollment identification number (WDID No. 1B161179CHUM) for coverage as a Tier 2 Low Risk Site for Order WQ 2017-0023-DWQ.

Biological Resources

A list of potential special status species was generated in January 2021, using the following information systems: California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources occur within the general vicinity of the project area: American peregrine falcon habitat; Western bumble bee, little willow flycatcher and a fisher (CNDDDB map attached). Only the American peregrine falcon habitat is of concern, and no habitat is located on or within the boundaries of the project site. Project activities are not expected to produce any adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources are considered low and unlikely.

Tribal Cultural Resource Coordination

A database search for known cultural resources was requested of the Northwest Information Center (NWIC) in March 2018. Although the NWIC had no record of any previous cultural resources for the project area, NWIC recommended a survey be conducted by a qualified archaeologist to ensure that the project area does not contain evidence of any unrecorded archaeological sites. However, a formal Cultural Resources Investigation was never completed for this project. A referral to the local Tribe (Bear River Band of the Rohnerville Rancheria) resulted in no comments, except the recommendation to include inadvertent discovery protocol if any historical artifacts or human remains are encountered (**Condition 13**).

Access

The project is located off Salmon Creek Road, approximately 1,290 feet from the intersection of US Highway 101 and Salmon Creek Road (APN 211-401-018) in the unincorporated community of Miranda, located in southern Humboldt County. The Humboldt County Department of Public Works (DPW) reviewed the project and recommended conditions of approval pertaining to driveway/private road intersections (**Condition 14**) and Private road intersections (**Condition 15**).

Proximity to State Park Lands

The entire subject parcel is located within the 600 foot buffer of State Park lands (located adjacently to the north), however there is no sensitive habitat located within 600 feet of the parcel and the project is not anticipated to have an adverse impact on park resources. State Parks was forwarded project information in March 2021 for review and provided no substantial comments. Therefore the granting of the Special Use Permit to allow a reduced setback is warranted in this case.

CEQA

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

RECOMMENDATION:

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

ALTERNATIVES: The Planning Commission could elect to 1) not approve the project, or 2) require the applicant to submit further evidence or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-X
Record Number: PLN-10994-CUP
Assessor's Parcel Number: 211-401-018**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the 28759 Humboldt Inc. (10994) Conditional Use Permit and Special Use Permit.

WHEREAS, 28759 Humboldt Inc., submitted an application and evidence in support of approving the Conditional Use Permit and Special Use Permit (PLN-10994-CUP) for the continued operation of a maximum of 12,600 square feet (SF) of mixed light cultivation and associated nursery (700 SF); and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **September 16, 2021**, and reviewed, considered, and discussed the application for the requested Special Use Permits and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is for a Conditional Use Permit (PLN-10994-CUP) to permit a maximum of 12,600 SF of existing mixed light cultivation and a 700 SF nursery and Special Use Permit to reduce the required 600-foot setback from public lands. Cultivation is achieved in six greenhouses (in three harvest cycles) using light deprivation. Propagation, drying, and harvesting occur in two separate warehouse/storage structures totaling approximately 2,160 SF. Electricity is provided through the use of a Whisperwatt DCA-150SSVU generator. Irrigation water is sourced from an existing groundwater well located (Permit No. 11/12-0233). Annual water use is estimated at 196,000 gallons (15.5 gallons/SF).
- EVIDENCE:** Project File: PLN-10994-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. 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 to the MND prepared for the proposed project in compliance with CEQA.
 - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) A list of potential special status species was generated in January 2021, using the following information systems: California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources occur within the general vicinity of the project area: American peregrine falcon habitat; Western bumble bee, little willow flycatcher and a fisher (CNDDDB map attached). Only the American peregrine falcon habitat is of concern, and no habitat is located on or within the boundaries of the project site. Project activities are not expected to produce any adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources are considered low and unlikely.
- d) A Water Resources Protection Plan (WRPP) was prepared (WDID No. 1B161179CHUM) to show compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023 and protect the water quality of waterways within the project area, and for coverage as a Tier 2 Moderate Risk Site for Order WQ 2017-0023-DWQ.
- e) A database search for known cultural resources was requested of the Northwest Information Center (NWIC) in March 2018. Although the NWIC had no record of any previous cultural resources for the project area, NWIC recommended a survey be conducted by a qualified archaeologist to ensure that the project area does not contain evidence of any unrecorded archaeological sites. However, a formal Cultural Resources Investigation was never completed for this project. A referral to the local Tribe (Bear River Band of the Rohnerville Rancheria) resulted in no comments, except the recommendation to include inadvertent discovery protocol if any historical artifacts or human remains are encountered (**Condition 13**).

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

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

EVIDENCE

- a) General agriculture is a use type permitted in the Residential Agriculture (RA5-20) 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 Residential Agriculture (RA5-20)

EVIDENCE

- a) Residential Agriculture areas are intended for large lot residential uses that typically rely on onsite water and wastewater systems. General Agriculture and Intensive Agricultural are allowed uses within the RA classification; therefore, the proposed cultivation use is consistent with this classification.
- b) Humboldt County Code Section 314-55.4 allows cultivation for up to 10,000

SF of existing mixed light cannabis on a parcel over 5 acres, subject to approval of a Special Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 12,600 SF of mixed light cultivation area on a 10-acre parcel is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.

5. FINDING

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Unclassified (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 a deed recorded before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The project will obtain water from a permitted well (Permit No. 11/12-0233) that is located on the adjacent parcel (211-401-017) under the same ownership. The well is permitted with the California Department of Water Resources, as part of the State Licensing process.
- d) Electricity is provided through the use of a Whisperwatt DCA-150SSVU generator.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, or Tribal Cultural Resource. The entire subject parcel is located within the 600 foot buffer of State Park lands (located adjacently to the north), however there is no sensitive habitat located within 600 feet of the parcel and the project is not anticipated to have an adverse impact on park resources.

6. FINDING

The cultivation of 12,600 SF of cannabis and the conditions under which it may be operated and maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) The project is located off Salmon Creek Road, approximately 1,290 feet from the intersection of US Highway 101 and Salmon Creek Road (APN 211-401-018) in the unincorporated community of Miranda, located in southern Humboldt County. The Humboldt County Department of Public Works (DPW) reviewed the project and recommended conditions of approval pertaining to driveway/private road intersections (Condition 14) and Private road intersections (Condition 15).
- b) The proposed cannabis cultivation will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites, which have been approved or are in the application process, will not change the character of the area due to the large parcel sizes in the area.

- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) Irrigation water is sourced from an existing groundwater well located (Permit No. 11/12-0233). The applicant is also proposing to add gutters to existing structures (20' x 80' barn and 14' x 40' barn) for a combined catchment surface of approximately 2,160 square feet. Assuming 57 inches average rainfall and accounting for a 50% drought factor, the 2,160 SF of catchment gutters will yield 38,372 gallons during drought conditions and approximately 76,740 gallons in average years. The rain capture will reduce demand on the well.
- e) Annual water use is estimated at 196,000 gallons (15.5 gallons/SF).
- f) Existing water storage totals 61,150 gallons in one (1) 20,000-gallon water bladder, nine(9) 3,000-gallon tanks, one (1) 600-gallon tank, one (1) 1,050-gallon tank, and five (5) 2,500-gallon tanks. The applicant is proposing to replace the 20,000-gallon bladder within two years with an additional nine (9) 5,000-gallon tanks (45,000 gallons) for a total water storage quantity of 86,150-gallons.
- g) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection monitoring and reporting to the NCRWQCB. As detailed in the Water Resources Protection Plan (WRPP) (NRM November 2018), at a minimum, the site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.

7. FINDING

The 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

The parcel currently does not contain a residential unit. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units on site.

DECISION

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

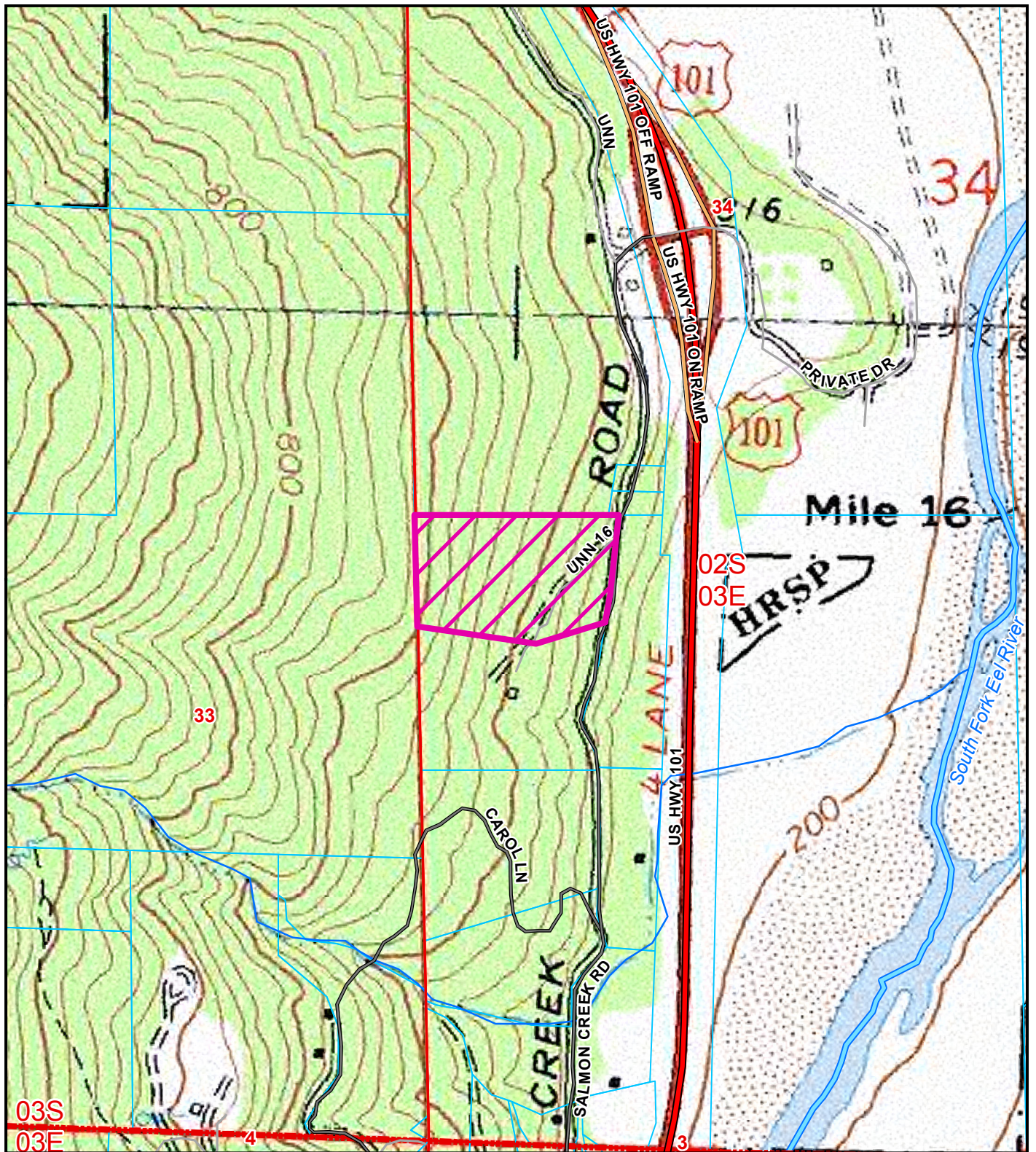
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit and Special Use Permit (PLN-10994-CUP) for 28759 Humboldt Inc., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on **September 16, 2021**

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

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

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

John Ford, Director
Planning and Building Department



TOPO MAP
PROPOSED CHRISTOPHER CAMERON
MYERS FLAT AREA
CUP-16-119
APN: 211-401-018
T02S R03E S34 HB&M (MIRANDA)

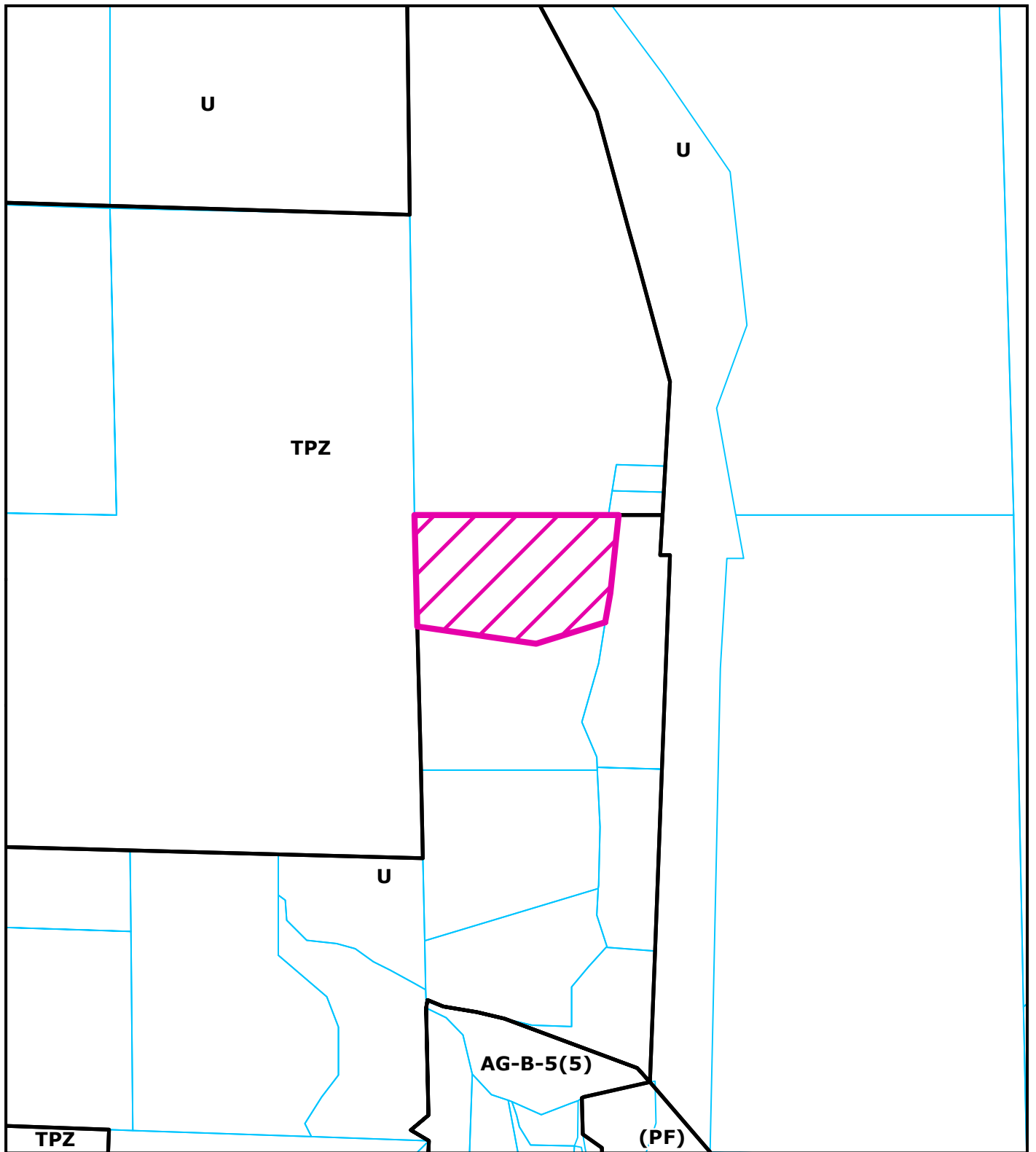
Project Area =



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

0 750 1,500 Feet






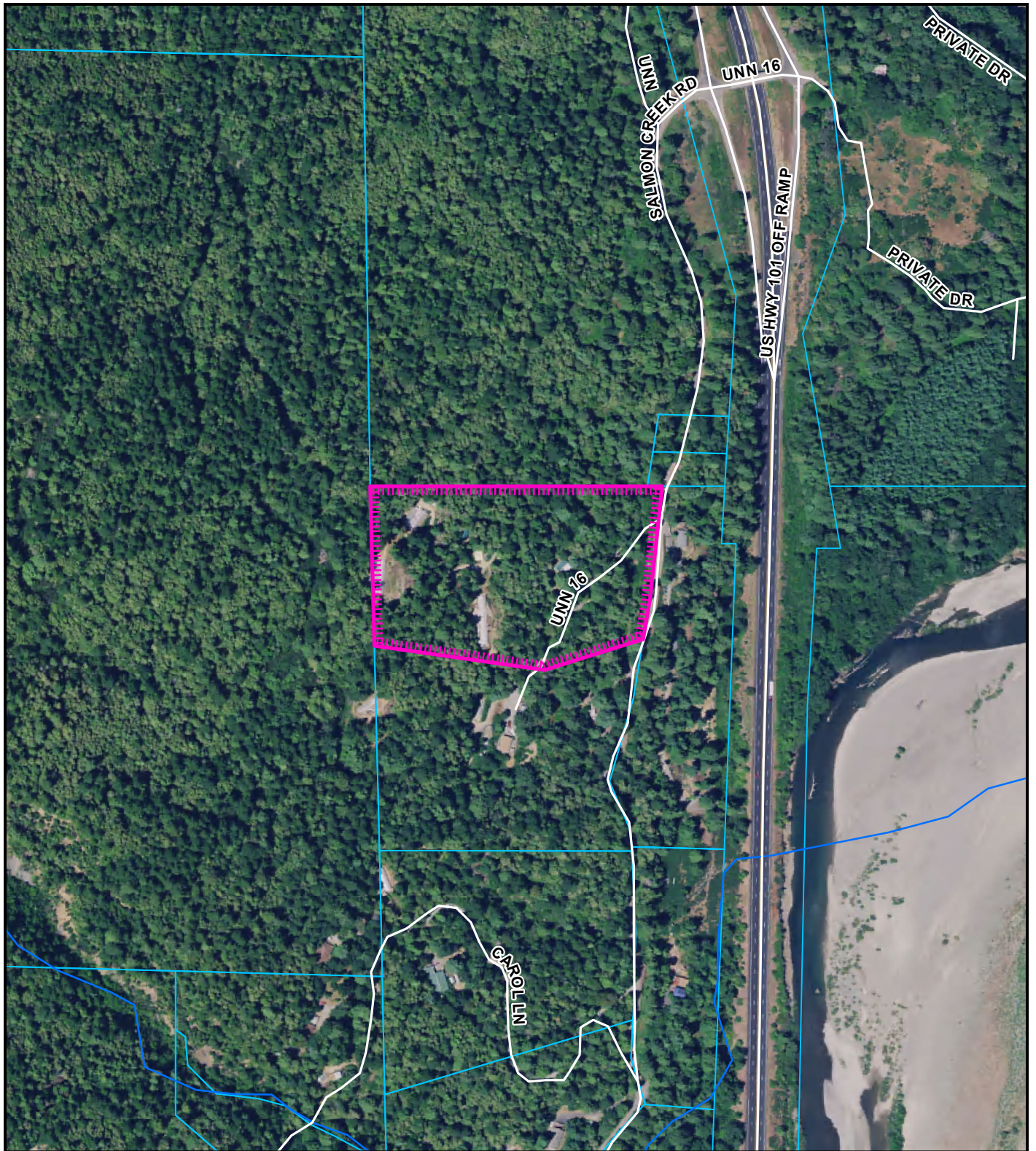
Project Area = 

**ZONING MAP
PROPOSED CHRISTOPHER CAMERON
MYERS FLAT AREA
CUP-16-119
APN: 211-401-018
T02S R03E S34 HB&M (MIRANDA)**

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.

0 750 1,500 Feet





**AERIAL MAP
PROPOSED CHRISTOPHER CAMERON
MYERS FLAT AREA
CUP-16-119
APN: 211-401-018
T02S R03E S34 HB&M (MIRANDA)**

Project Area = 

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

0 550 1,100 Feet



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Planning and Building Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #17. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to: existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. Communication from the Building Division, verifying that all structures related to the cannabis cultivation are permitted, was approved by Building Inspection Department on August 27, 2020.
7. Prior to renewal of the permit, the operator is required to submit to the Department of Environmental Health (DEH), receipts or copy of contract confirming sufficient use of portable toilets to serve staff for the duration of the first year, or provide written assessment from a qualified septic consultant

confirming a Tier 0 status for the addition of an onsite wastewater treatment system serving the dwelling (Department of Environmental Services).

8. Within 60 days of project approval, the owner/applicant/operator shall submit a lighting plan for all mixed light cultivation/light deprivation cultivation areas. The lighting plan shall be reviewed and approved by the Director of Planning and Building Services.
9. The applicant shall install a water monitoring device on each source – groundwater well and surface water diversion - if/when utilized and on storage tanks as applicable to monitor water used for cannabis irrigation separate from domestic use.
10. The applicant shall contact the Miranda Volunteer Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
11. 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.
12. The applicant shall execute and file with the Planning and Building Department the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
13. At such time the applicant increases cultivation to maximum aggregate allotment, allowed under the CMMLUO 1.0 and Cultivation Area Verification (CAV) allowances, the applicant/operator/owner shall submit a revised site plan showing placement of all cannabis cultivation, broken down by zone and growing version (outdoor and/or mixed light), at least 30 days prior to placement/development of the cultivation area(s). The site plan shall be reviewed and approved by the Director of Planning and Building.
14. The applicant shall contact all Tribes associated with the project area to ensure that the site is outside Tribal Territories. The applicant shall implement the Inadvertent Discovery Protocol, in the event of the accidental discovery of historical artifacts or human remains. A qualified professional Archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
15. County Roads – Driveway & Private Road Intersections 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.
16. 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 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.

17. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2021. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2026.

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

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

9. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit, except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. The permittee shall be in compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. The permittee shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. The permittee shall consent to an annual 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).
19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.

20. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled, and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.

- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices;
 - b. Location where processing will occur;
 - c. Number of employees, if any;
 - d. Employee Safety Practices;
 - e. Toilet and handwashing facilities;
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage;
 - g. Drinking water for employees;
 - h. Plan to minimize impact from increased road use resulting from processing; and
 - i. Onsite housing, if any.
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identification of the new owner(s) and management, as required in an initial permit application;
 - b. A written acknowledgment by the new owner as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;

- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

ATTACHMENT 2

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

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

**APN 211-401-018-000; West Side of Salmon Creek Road, Miranda, California
County of Humboldt**

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

August 2021

BACKGROUND

Purpose of Addendum

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

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

Project History

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

The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations and unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

Modified Project Description

28759 Humboldt Inc. seeks approval for a Conditional Use Permit for a maximum of 12,600 SF of existing mixed light cultivation in eight (8) greenhouses and 700 SF nursery and Special Permit to reduce the required 600-foot setback from public lands, using light deprivation. Propagation, drying, and harvesting

occur in two (2) separate warehouse/storage structures totaling approximately 2,160 SF. Flowers may be machine trimmed by the owner/operator or taken offsite to be hand trimmed and packaged at a licensed processing facility. There would be three (3) full time employees, with two (2) seasonal employees during peak times. Electricity is provided through the use of a Whisperwatt DCA-150SSVU generator. No on-site fuel storage is proposed other than what is contained within the generator itself. The generator will be enclosed within a structure to provide noise dampening to meeting County requirements.

Irrigation water is sourced from an existing groundwater well located (Permit No. 11/12-0233). Annual water use is estimated at 196,000 gallons (15.5 gallons/SF). Existing water storage totals 61,150 gallons in one (1) 20,000-gallon water bladder, nine (9) 3,000-gallon tanks, one (1) 600-gallon tank, one (1) 1,050-gallon tank, and five (5) 2,500-gallon tanks. The applicant is proposing to replace the 20,000-gallon bladder within two years with an additional nine (9) 5,000-gallon tanks (45,000 gallons) for a total water storage quantity of 86,150-gallons. The applicant is also proposing to add gutters to existing structures (20' x 80' barn and 14' x 40' barn) for a combined catchment surface of approximately 2,160 square feet. Assuming 57 inches average rainfall and accounting for a 50% drought factor, the 2,160 SF of catchment gutters will yield 38,372 gallons during drought conditions and approximately 76,740 gallons in average years. The rain capture will reduce demand on the well. The 28759 Humboldt Inc, 10994 property is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB), with an enrollment identification number (WDID No. 1B161179CHUM) for coverage as a Tier 2 Low Risk Site for Order WQ 2017-0023-DWQ.

A list of potential special status species was generated in January 2021, using the following information systems: California Natural Diversity Database (CDFW 2019), Biogeographic Information and Observation system (BIOS), Northern Spotted Owl Viewer (CDFW 2019), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The following biological resources occur outside of the project area, but within the general vicinity: American peregrine falcon habitat; Western bumble bee, little willow flycatcher and a fisher (CNDDDB map attached). Only the American peregrine falcon habitat is of concern, and no habitat is located on or within the boundaries of the project site. Project activities are not expected to produce any adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources are considered low and unlikely.

A database search for known cultural resources was requested of the Northwest Information Center (NWIC) in March 2018. Although the NWIC had no record of any previous cultural resources for the project area, NWIC recommended a survey be conducted by a qualified archaeologist to ensure that the project area does not contain any evidence of unrecorded archaeological sites. However, a formal Cultural Resources Investigation was never completed for this project. A referral to the local Tribe (Bear River Band of the Rohnerville Rancheria) resulted in no comments, except the recommendation to include inadvertent discovery protocol if any historical artifacts or human remains are encountered (Condition 13).

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.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigation measures. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 12,600 SF of mixed light cultivation in eight (8) greenhouses and 700 SF nursery is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significant adverse environmental effects beyond those

identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Revised Site Plan created by SL Consulting, submitted August 5, 2021.
- Cultivation and Operations Plan, created by SL Consulting, submitted August 5, 2021.
- Water Resources Protection Plan, (WDID: 1B161179CHUM) dated July 26, 2016.
- NWIC Search conducted on March 1, 2018.
- Correspondence from Bear River Band of the Rohnerville Rancheria (Erika Cooper, M.A), dated March 5, 2018.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See **Purpose** statement above.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, **28759 Humboldt Inc, 10994**, would be the same or similar, with no substantial increase in severity, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

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

CONCLUSION

Based on these findings, it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal, **28759 Humboldt Inc (10994)**. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address, and phone number(s) of the applicant. (**On file**)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (**On file**)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Revised Site Plan created by SL Consulting, submitted August 5, 2021, **Map 3**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water source, storage, irrigation plan, conservation, and projected use; drainage, runoff and erosion control; watershed and habitat protection; and storage of fertilizers, pesticides, and other regulated products to be used on the parcel. A description of cultivation activities (outdoor, indoor, mixed light); the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable; and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan, created by SL Consulting, submitted August 5, 2021, **Attachment 3**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable due to the presence of well on site)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan - see item 4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Water Resources Protection Plan (WDID: 1B161179CHUM), dated 07/26/2016, **Attachment 3**)
8. If any onsite or offsite component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Lake and Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Permit No. 11/12-0233, **On file**)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or

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

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

Cannabis Cultivation Facilities

August 2021

Cultivation and Operations Manual
For
28759 Humboldt Inc

Cannabis Cultivation Facilities
APN No. 211-401-018-000

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:
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In Consultation with:

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August 2021

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 - 3.10 Drinking water source
 - 3.11 Onsite housing
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4. Security Plan
 - 4.1 Facility security
 - 4.2 Hours of operation
5. Environment
 - 5.1 Water Source and Projected Water Use
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 - 5.3 Site drainage runoff and erosion control
 - 5.4 Site drainage and runoff
 - 5.5 Erosion control
 - 5.6 Watershed and habitat protection – Invasive Species Control
 - 5.7 Monitoring and reporting
 - 5.8 Energy plan
 - 5.9 Noise source assessment and mitigation plan
 - 5.10 Light pollution control plan
 - 5.11 Best management practices
 - 5.12 Fertilizers
 - 5.13 Waste management plan
 - 5.14 Cultivation waste and soil management
 - 5.15 Materials management plan
 - 5.16 Wastewater management
 - 5.17 Storm-water management plan
6. Product Management
 - 6.1 Product testing and labeling
 - 6.2 Product inventory and tracking
 - 6.3 Transportation and distribution

1. Project Summary

1.1. Project Objective

28759 Humboldt Inc is proposing to permit 12,600 square feet of mixed light Commercial Cannabis Cultivation activities in Accordance with the County Of Humboldt Commercial Marijuana Land Use Ordinance (CMLUO).

Water is provided by an onsite existing permitted well. A total of 61,150 gallons of water storage is present on-site with 41,150 gallons in hard plastic tanks and a 20,000 gallon water bladder. The bladder is proposed to be decommissioned within 2 years of approval and replaced with an additional nine 5,000 gallon water tanks for a total water storage volume of 86,150 gallons.

2. Land Use

2.1. Site Description

The Project is located at 2464 Salmon Creek Road near Miranda California. (APN 211-401-018-000) The subject parcel is zoned U and is approximately 10.77 Acres (per the county of Humboldt's WebGIS.) The site is located between forested TPZ land to the west and highway 101 to the east.

2.2. State of California Commercial Cannabis Activity License

28759 Humboldt Inc will operate under a California Cultivation license.

2.3. State Water Resources Control Board

Water will be provided by an existing permitted well on the parcel. The property is enrolled under the Waterboard's Cannabis Cultivation general order.

2.4. Cal Fire

The subject property is located within a State Responsibility Area (SRA) for fire protection and SRA requirements have been met. All structures on the property meet the 30-foot SRA setback requirement from property lines.

2.5. California Department of Fish and Wildlife

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) has been issued.

2.6. Cultural Resources

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground stone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

3. Cultivation and Processing

3.1. Propagation and Initial Transplant

Immature plants or seeds are sourced from a Licensed Nursery and transported to site. They are transplanted into larger pots and allowed to “veg up” within the square foot nursery greenhouse to appropriate size for taking cuttings as “mother plants”. Cuttings are rooted in the nursery greenhouse in trays. Once rooted, the starts are transplanted from trays into pots and

Once plants are the appropriate size, they are planted in the flowering greenhouses in raised beds.

3.2. Mixed Light Cultivation Plan and Schedule

The cultivation activities will occur from dawn to dusk.

See schedule of operations below.

Cultivation Operations Schedule		
Month	Cultivation Activities	Nursery Activities
January	Maintain plants Supplemental light	Crack seeds for mother plants
February	Harvest and replant greenhouses Supplemental light	Boost Moms & seed cracking
March	Maintain plants Supplemental light until end of month	Cut first clones
April	Maintain plants	Transplant clones into pots in nursery
May	Maintain plants	Maintain immature plants
June	Maintain plants Pull tarp to induce flowering	Cutting and rooting new round of clone
July	Maintain plants Pull tarp to induce flowering	Transplanting new clones into small pots
August	Harvest and re-plant	Maintain immature plants
September	Maintain plants	Start cutting new clones
October	Harvest and re-plant	Transplanting new clones into small pots
November	Maintain plants Begin supplemental light	Maintain immature plants
December	Maintain plants Supplemental light	Maintain immature plants

3.3. Irrigation Plan and Schedule

Irrigation and fertigation of plants occurs using drip irrigation and hand watering methods (nursery) at agronomic rates which conserves water by not allowing excess water runoff.

Water is also used for supplemental foliar spraying of pesticides and drip watering of inoculants such as compost tea, beneficial bacteria.

See section 5.1 for water usage estimates.

3.4. Harvesting, Drying, and Trimming

Plants that are ready for harvest have their flowering branches removed and are brought to the proposed drying facility. Once taken to the drying building then hung and suspended in the drying facilities. The drying facilities will be equipped with air conditioning and dehumidifiers to ensure proper curing and elimination of conditions for mold. All work surfaces are maintained in a clean and sanitary manner. Contamination prevention protocols are strictly followed within the facilities.

Dried plants are bucked off the stalks and put into totes for transport to an offsite licensed processor or distributor. Waste plant material is composted onsite just outside the cultivation area.

3.5. Processing Facility

Drying will occur at the proposed 14x40' barn. No other processing (trimming) will occur onsite.

3.6. Employee Plan

28759 Humboldt Inc 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

- Job Descriptions And Employee Summary
- Agent in Charge: Responsible for business oversight and management of the 28759 Humboldt Inc. Responsibilities include, but are not limited to: inventory and tracking,

personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.

- Operations and Compliance Managers: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- Seasonal Laborer: Provides cultivation, harvesting and processing support. This is a part-time to full-time, seasonal position.

3.7. Staffing Requirements

Staffing is limited to three (3) full time and two (2) part time staff/push labor for a peak of five (5) employees onsite.

Month	Full Time Staff	Push Labor
January	3	0
February	3	2
March	3	0
April	3	0
May	3	0
June	3	0
July	3	0
August	3	2
September	3	0
October	3	2
November	3	0
December	3	0

3.8. Employee Training and Safety

On site cultivation, harvesting, drying and processing is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of

pruning tools; proper application and storage of pesticides and fertilizers. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite facilities are limited to authorized and trained staff.

All employees are trained on proper safety procedures including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

3.9. Toilet and Handwashing Facilities

Portable toilets and handwashing stations will be provided.

3.10. Drinking Water Source

Bottled water will be provided and properly disposed of.

3.11. On Site Housing

No on-site housing for employees is provided.

3.12. On Site Parking

Parking is provided in the designated area adjacent to the cultivation site.

4. Security Plan and Hours of Operation

4.1. Facility Security

Entry gates are located at entrances to the property. The entry gates remain locked at all times and access to the cultivation area is limited exclusively to employees. All lighting will be designed and located so that direct rays are confined to the property. Security cameras and an alarm system are to be installed at entrances to the site.

4.2. Hours of Operation

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities typically occur no earlier than 8 AM and extend no later than 8 PM.

5. Environment

5.1. Water Source and Projected Water Use

Water is provided by an existing permitted well on the parcel.

28759 Humboldt Inc utilizes water management strategies such as drip irrigation and raised beds to conserve water use.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

ESTIMATED ANNUAL IRRIGATION WATER USAGE											
JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
8500	8500	14000	14000	14000	26500	26500	26500	26500	14000	8500	8500

Water usage is approximately 15.5 gallons per square foot per year, 196,000 gallons total of which approximately 52,000 gallons of usage is over the wet weather season November 1st-April 1st.

Applicant also intends to add gutters to the existing barn structures: a 20'x80' barn and a 14'x40' barn with total combined catchment surface area of approximately 2,160 square feet.

Assuming 57 inches (Garberville area average rainfall, Western Climate Research Institute) and accounting for a 50% drought factor (Northern California Region - Eureka and Scotia 2020-2021 drought averages, California Nevada River Forecast Center) yields 38,372 gallons capturable over the roof surfaces in the current drought condition (worst on record) with approximately 76,740 gallons in average years. The rain capture will reduce demand on the well.

5.2. Water Storage

Existing water storage consist of:

A 20,000 gallon water bladder

Nine (9) 3,000 gallon tanks

One (1) 600 gallon tank

One (1) 1,050 gallon tank

Five (5) 2,500 gallon tanks

Total of 61,150 gallons.

The bladder will be replaced with nine (9) 5,000 gallon tanks for a final storage volume of 86,150 gallons.

5.3. Site Drainage, Runoff, and Erosion Control

28759 Humboldt Inc will enroll with the State Water Quality Control Board State general order and a Water Resource Protection Plan (WRPP) will be developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.

5.4. Site Drainage and Runoff

The site is mostly flat and has a forested buffer surrounding the property to mitigate runoff. Buffers and setbacks from neighboring drainages are met.

5.5. Erosion Control

28759 Humboldt Inc will utilize best management practices including but not limited to:

- Maintenance of roads, including rocking and armoring.
- Proper management of solid, liquid and cultivation waste (see section 3.8)
- Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian and wetland areas.
- Irrigation and application of fertilizers will be applied at agronomic rates.
- Regulated products will be safely stored with secondary containment (see section 3.7)

5.6. Watershed and Habitat Protection

Adherence to the proposed best management practices ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures meet all required setbacks from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

5.7. Monitoring and Reporting

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented.

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and storm water runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form will be submitted upon initial enrollment in the Order and then annually by March 1 to the Water Board. The annual report will include data from the monitoring reports.

5.8. Energy Plan

Power will be provided by a Whisperwatt DCA-150SSVU. No on-site fuel storage is proposed other than what is stored inside the generator itself. The site is located adjacent to Highway 101 and a transfer tank in a pick up truck will be used to fill the generator. The generator will be enclosed within a structure to provide noise dampening to meet County requirements.

5.9. Light Pollution Control Plan

All nursery and greenhouse structures will have black out tarps over them from 1 hour before dawn to 1 hour after dusk if supplemental lighting is actively being used.

The project will meet International Dark Sky Standards.

5.10. Best Management Practices

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufacturer's instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the SMP. Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations.

5.11. Fertilizers

Nutrients and biological inoculants used for cultivation and kept on site include:

- Chicken Manure - up to 10 25lb bags
- Worm Castings - up to 10 1.5 cuft bags
- Spare time supply blood meal Up to one 50# bag
- Dr Earth All Purpose - up to two 50lb bags
- Dr Earth Bloom - Up to two 50lb bags

Pesticides and fungicides used for cultivation include:

- Plant Therapy Lost Coast Plant Therapy - up to 5 Gallons
- Dr Zymes - up to 5 Gallons
- Azapro - up to 5 Gallons

Fuels, oils other regulated substances stored on site include:

- Isopropyl / Ethyl Alcohol - up to 5 Gallons
- Various Essential Oils - up to 1 liter
- Gasoline/Oil for lawn mower/weed wacker - up to 5 Gallons

5.12. Waste Management Plan

Animal-proof trash and recycling containers are located near the greenhouses. Solid waste and recycling is hauled off-site to a transfer station at least once per month.

5.13. Cultivation Waste and Soil Management

Vegetative matter, such as root balls, is composted on site. Potting soil mixed is utilized in raised beds in greenhouses. A mix of amendments added to existing soil at the end of each harvest. No soil stockpiles, import or haul-off is anticipated.

5.14. Materials Management Plan

Waste bins with lids are kept adjacent to cultivation sites and emptied out the day they are filled up or weekly.

Waste materials are stored in a trailer and self-hauled off weekly to a licensed waste transfer station.

5.15. Wastewater Management

Combination of hand watering and drip irrigation methods minimize the over-irrigation of plants and subsequent runoff. Moreover, the nursery greenhouse floor is gravel/dirt and will absorb any excess runoff.

5.16. Storm-water Management Plan

Roads will be armored appropriately. Use of native soil, in-place greatly reduces risk of sediment run-off compared to use of potting soil.

Native soil will be utilized and cover cropped to reduce sediment delivery.

6. Product Management

6.1. Product Testing and Labeling

Sampling and labeling is handled by the third party distributor off-site.

6.2. Product Inventory and Tracking

Site will be enrolled with the state METRC track and trace system and utilizes it to manage inventory and tracking.

6.3. Transportation and Distribution

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination address
- Time of departure
- Time of arrival

The Agent in Charge and the Cultivation Manager are responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.

GARBERVILLE, CALIFORNIA (043320)

Period of Record Monthly Climate Summary

Period of Record : 11/01/1917 to 03/31/1985

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	Insuff icient Data												
Average Min. Temperature (F)	Insuff icient Data												
Average Total Precipitation (in.)	10.75	9.16	7.35	3.70	1.35	0.37	0.05	0.42	0.74	3.72	8.48	10.81	56.90
Average Total SnowFall (in.)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1
Average Snow Depth (in.)	0	0	0	0	0	0	0	0	0	0	0	0	0

Percent of possible observations for period of record.

Max. Temp.: 1.1% Min. Temp.: 1.1% Precipitation: 92.5% Snowfall: 92.4% Snow Depth: 92.2%

Check [Station Metadata](#) or [Metadata graphics](#) for more detail about data completeness.

Western Regional Climate Center, wrcc@dri.edu

Monthly Precipitation Summary Water Year 2021

(Oct 1, 2020 to Sep 30, 2021)

Updated: Thu Jul 15 2021 at 03:00:01 AM

The following is data from National Weather Service cooperative observers as of the end of last month. **The water year starts on October 1 of the previous reference year and ends on September 30 of the reference year.** Precipitation data is provided for each month of the most recent water year, total precipitation for the water year, the percent of normal for the water year to date, and the percent of the entire water year we have received to date.

M stands for Missing Data. WY means Water Year. NA means that 30 year averages do not exist for this station. The units of precipitation is INCHES.

If a station has any missing data, it's WY to Date total will also be missing. In addition the percent of normal will not be calculated.

Note, monthly data is collected during the first week of the following month and will be posted to this webpage when received from the National Weather Service cooperative observers. As an example, December data will typically be posted sometime during the first week of January.

Any questions about this product should be directed to the CNRFC.

SOUTHERN OREGON COASTAL													
ID	Location	OCT 2020	NOV 2020	DEC 2020	JAN 2021	FEB 2021	MAR 2021	APR 2021	MAY 2021	JUN 2021	WY to Date	Pct Avg to Date	Pct Tot WY
ASHO3	ASHLAND	0.47	2.16	3.04	1.58	2.06	1.82	0.32	0.36	1.02	12.83	70	64
CVJO3	CAVE JUNCTION	M	M	M	M	M	M	M	M	M	M		
GOLO3	GOLD BEACH	M	M	M	M	M	M	M	M	M	M		
GPSO3	GRANTS PASS KAJO	0.46	4.20	4.03	4.24	5.14	1.84	0.16	0.10	1.23	21.40	72	69
GSPO3	GREEN SPRINGS PP	0.20	1.14	2.68	2.53	1.46	2.12	0.38	0.15	0.44	11.10	51	47
LEMO3	LEMOLO LAKE	3.36	10.88	7.65	7.75	10.53	2.79	0.87	1.86	1.96	47.65	77	72
MFR	MEDFORD	0.16	3.26	3.12	1.98	1.87	1.47	0.24	0.13	1.02	13.25	77	72
OTH	NORTH BEND	1.57	6.79	8.68	4.47	7.70	5.50	1.14	0.63	2.67	39.15	63	60
PRSO3	PROSPECT 2SW	1.30	7.64	5.13	3.97	5.49	2.12	0.27	0.46	1.03	27.41	69	65
RIDO3	RIDDLE	0.93	5.05	4.59	4.38	3.98	2.38	0.31	0.64	1.10	23.36	79	75
ROGO3	ROSEBURG	M	M	M	M	M	M	M	M	M	M		
SXT	SEXTON SUMMIT	0.91	3.28	5.55	8.49	4.16	2.78	0.33	0.17	1.48	27.15	81	77
TKFO3	TOKETEE FALLS	1.58	7.50	6.00	5.90	6.05	2.96	0.46	1.27	1.29	33.01	73	68
WINO3	WINCHESTER DAM	1.07	4.33	5.14	4.87	4.71	1.79	0.45	0.73	1.21	24.30	70	67
WLMO3	WILLIAMS	0.52	5.60	5.04	6.25	3.69	1.31	0.16	0.17	0.95	23.69	76	73
OREGON CLOSED BASINS													
ID	Location	OCT 2020	NOV 2020	DEC 2020	JAN 2021	FEB 2021	MAR 2021	APR 2021	MAY 2021	JUN 2021	WY to Date	Pct Avg to Date	Pct Tot WY
HMRO3	HART MOUNTAIN REF	0.48	1.15	1.18	1.52	0.65	1.03	1.14	1.88	0.75	9.78	89	78
PASO3	PAISLEY	M	M	M	M	M	M	M	M	M	M		
SMMO3	SUMMER LAKE	0.20	M	0.56	0.61	0.76	M	0.54	0.72	M	M		
SVLO3	SILVER LAKE	M	M	M	M	M	M	M	M	M	M		
NORTHERN CALIFORNIA COASTAL													
ID	Location	OCT 2020	NOV 2020	DEC 2020	JAN 2021	FEB 2021	MAR 2021	APR 2021	MAY 2021	JUN 2021	WY to Date	Pct Avg to Date	Pct Tot WY
CVLC1	COVELO	0.07	2.48	3.96	5.16	4.56	2.88	0.64	0.16	M	M		
EKA	EUREKA	0.41	2.55	3.96	5.12	3.74	3.00	0.62	0.22	1.06	20.68	53	51
FORC1	FORT ROSS	0.00	1.59	3.62	4.34	2.37	2.57	0.31	0.07	M	M		
FRBC1	FT BRAGG 5N	0.14	2.53	3.72	8.07	3.90	3.06	0.90	0.10	0.65	23.07	54	53
GASC1	GASQUET RS	1.77	9.16	11.25	21.24	14.52	8.36	1.36	0.44	3.05	71.15	80	78
SCOC1	SCOTIA	0.14	2.94	3.95	6.61	4.94	3.96	0.68	0.14	0.41	23.77	49	48

Purpose

This Water Resource Protection Plan (WRPP) has been prepared on behalf of the property owner, Chris Cameron, for assessor's parcel number 211-401-017 & 211-401-018, by agreement and in response to the California Water Code Section 13260(a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a Report of Waste Discharge (ROWD) containing such information and data as may be required by the Regional Water Board. The Regional Water Board may waive the requirements of Water Code section 13260 for specific types of discharges if the waiver is consistent with the Basin Plan and in the public interest. Any waiver is conditional and may be terminated at any time. A waiver should include monitoring requirements to verify the adequacy and effectiveness of the waiver's conditions. Order R1-2015-0023 conditionally waives the requirement to file a ROWD for discharges and associated activities described in finding 4.

Scope of Report

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

Methods

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

Property Description

The property assessed is a 10.77-acre parcel and a 10.87-acre parcel located on Salmon Creek Road. The property is a well-established home site with a residence, workshop buildings, storage sheds, and two camper trailers. There is one Class II watercourse and one Class III watercourse on the property. The watercourses and drainages on the property are tributaries to the South Fork Eel River. The property is located in the NW ¼ of the SW ¼ of Section 34, Township 2S, Range 3E, of the USGS Miranda 7.5" quadrangle map, Humboldt Base & Meridian.

Monitoring Plan

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

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

Monitoring Plan Reporting Requirements

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

Assessment of Standard Conditions

Assessment of Standard Conditions consisted of field examinations on 12/6/2016. The examination evaluated areas near, and areas with the potential to directly impact, watercourses for sensitive conditions including, but not limited to, existing and proposed roads, skid trails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris, jam potential, inadequate flow capacity, changeable channels, overflow channels, flood prone areas, and riparian zones. Field examinations also evaluated all roads and trails on the property, developed areas, cultivation sites, and any structures and facilities appurtenant to cultivation on the property. Anywhere the Standard Conditions are not met on the property, descriptions of the assessments and the prescribed treatments are outlined following each associated section below.

Summary of Standard Conditions Compliance

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

A. Standard Conditions, Applicable to All Discharger's

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

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

The road to the residence is a permanent rocked road that is in overall good condition, but lacking the adequate amount of ditch relief culverts. The majority of the inside ditches are in good condition but more ditch relief culverts are required. Roads to the cultivation areas on the property are lacking adequate road surface rock in the steeper sections of the road as well as adequate drainage facilities. The Discharger shall rock the steeper access roads to the Cultivation Sites and any other road surface or access roads and ATV roads which are to be used for year around use, or refrain from vehicle use on un-rocked roads that could result in rutting during wet conditions. Also required is rock armoring on the inlets and outlets of all of the ditch relief culverts. One ditch relief culvert (RP 1) has filled with sediment and debris, and needs to be unplugged or replaced with a minimum 18-inch diameter pipe.

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

Ditch Relief Culvert 1 – The Discharger shall rock armor the outlet and outlet area up to the bank where flows are flow over approximately 20 feet past the outlet.

Ditch Relief Culvert 2 – The Discharger shall rock armor the inlet and outlet per attached specifications.

Ditch Relief Culvert 3 – The Discharger shall rock armor the inlet and outlet per attached specifications. The Discharger shall also rock armor the outlet down to where flows reach the road where the well is located.

Road Point 1 – Inside ditch crossing pipe has plugged with sediment and debris. The Discharger shall unplug the ditch culvert or replace it with an 18" diameter ditch relief culvert per attached specifications. The inlet and outlet shall be rock armored per attached specifications.

Road Point 2 & Road Point 3 – The Discharger shall fully establish the make shift inside ditch from Road Point 2 to Road Point 3, install waterbars to drain the road into the inside ditch, and rock the adjacent road.

Road Point 4 – The Discharger shall rock the road from Road Point 4 to Road Point 5, after the inside ditch and associated ditch relief culvert is installed, and from Road Point 4 to Road Point 6.

Road Point 5 – The Discharger shall install a minimum 15" diameter inside ditch relief culvert at this location and install an inside ditch draining to it. The inside ditch will run from the well head to the newly installed ditch relief culvert at Road Point 5. The inlet and outlet shall be rock armored per attached specifications. The Discharger shall also rock armor the cutbank below the outlet flow area down to the landing where the water bladder is located.

Road Point 7 – The Discharger shall install an 18" diameter ditch relief culvert at this approximate location to drain inside ditch flows. The inlet and outlet shall be rock armored per attached specifications.

Road Point 8 – The Discharger shall install an 18" diameter ditch relief culvert at this approximate location to drain inside ditch flows. The inlet and outlet shall be rock armored per attached specifications.

Road Point 9 – The Discharger shall install a water bar per attached specifications.

Road Point 10 – The Discharger shall install a water bar per attached specifications.

- c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure.

Physical reconnaissance of the property revealed one small unstable area represented as Unstable Area 1 (UA 1) on the site map. The Geomorphic Features Map for the USGS Miranda 7.5' quadrangle map, Humboldt County, California Scale 1: 24,000 (Spittler, T.E., 1983, DMG Open-File Report 83-25, Geology and Geomorphic Features Related to Landsliding) shows no geomorphic features within the property. Delineated above the property is an area of disrupted ground. No surface runoff from the property drains onto this area.

Unstable Area 1 – The Discharger shall rock buttress the toe of this unstable feature per attached specifications and install erosion control measures to help slow and prevent sediment delivery to drainages. The Discharger shall use straw bales or fiber logs in the drainage ditch below the unstable area and place straw bales or fiber logs around the base of the slumped bank to prevent further sediment discharger.

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

Cultivation Sites are lacking fully developed drainage features and drainages are to be dispersed as frequently as possible. The Discharger shall break up drainage ditches and other drainage facilities so that surface waters during storm events are dissipated into the woods and not collected by road drainages.

Erosion Control Point 3 – The Discharger shall further develop the drainage ditch draining the greenhouse flat by rock armoring it. Where the drainage ditch crosses the road, the Discharger shall remove the makeshift board crossing and install a small ditch relief culvert that drains into the inside ditch draining to DRC 2. The Discharger shall rock armor the inlets and outlets of this ditch relief culvert per attached specifications. Remove or properly contain all potting soils located near these drainage ditches and spread chipped slash or woody debris over any remnant soils.

Erosion Control Point 4 – The Discharger shall further develop the drainage ditch to ensure that it is capturing road surface runoff coming from the upper-most greenhouses at Cultivation Site 4. The Discharger shall rock the drainage ditch and the ditch's outlet over the fill bank. Remove all potting soils located near these drainage ditches and spread chipped slash or woody debris over any remnant soils. The Discharger shall also install a waterbar across the road adjacent to the drainage ditch that drains into the drainage ditch running along the southern end of the greenhouses.

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

Erosion Control Point 5 – The Discharger shall further develop the drainage ditch draining the western and southern sides of the greenhouses. The Discharger shall also install a drainage ditch between the two greenhouses that drains into the existing drainage ditches on the southern end of the greenhouses. The Discharger shall rock the drainage ditch and the ditches outlet flow area over the fill bank. The Discharger shall also remove all potting soils located near these drainage ditches and spread chipped slash or woody debris over any remnant soils.

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

Erosion Control Point 1 – Drainage flows from DRC 2 are eroding an embankment at this location. The Discharger shall rock armor the eroding bank to stop any erosion that is occurring.

Erosion Control Point 2 – An inside ditch is plugged and surface flows are draining onto the roads surface. Clear and re-establish the inside ditch to capture hillslope runoff and to prevent surface waters from eroding the road's surface.

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

In compliance at this time. No stockpiled construction materials are on the property.

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

- a. Culverts and stream crossings shall be sized to pass the expected 100-year peak streamflow.
- b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow.
- c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams, and allow passage of aquatic organisms on perennial or intermittent streams.
- d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks.
- e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.²

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

- f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.³

In compliance at this time. There are no stream crossings located on this property.

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

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

In compliance at this time. The Cultivation Sites are located outside the required riparian buffers for their respective neighboring watercourses.

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

In compliance at this time.

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

Not compliance at this time. Addressed under Standard Condition A.1. (a, b, d), A.4., A.7. (a, c), A.10.

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

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

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

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

Spoils piles are located near drainage ditches that are hydrologically connected to watercourses. The Discharger shall remove all spoil piles away from any drainage ditch, other drainage features, or anywhere it can be transported into any drainage or surface flow that enters a drainage. Soil piles shall be contained by tarping them during the winter, top and bottom, and placing a fiber log or straw bales around the pile during the winter season, and located where they cannot be transported into any drainage or watercourse.

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

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

This project consists of five Cultivation Site (CS) totaling 10,960 square feet.

- CS 1 consists of a greenhouse on a developed landing built into a hillside with an approximate slope of 40%. The site includes one 10' x 50' greenhouse.
- CS 2 consists of a greenhouse on a developed landing built into a hillside with an approximate slope of 40%. The site includes one 20' x 150' greenhouse.
- CS 3 consists of two greenhouses on a developed landing built into a hillside with an approximate slope of 41%. The site includes one 20' x 55' greenhouse and one 20' x 60' greenhouse.
- CS 4 consists of two greenhouses on a developed landing built into a hillside with an approximate slope of 41%. The site includes one 20' x 100' greenhouse and one 20' x 108' greenhouse.
- CS 5 consists of two greenhouses on a developed landing built into a hillside with an approximate slope of 35%. The site includes two 10' x 50' greenhouses.

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

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

The Discharger estimates that at peak water usage they use 3,000-gallons every three to four days. This equates to approximately 860-gallons per day at peak water usage. To meet 150-day forbearance requirements on water diversions, using water usage estimates provided by the Discharger and accounting for current existing water storage, the Discharger must obtain approximately 116,745-gallons more of water storage. This estimated water storage requirement estimate does not account for supplemental water supply provided by the well on the property and is assuming the Discharger's only source of water is a water diversion.

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

There is no sign that water conservation measures are used during the cultivation season. The Discharger shall implement water conservation measures according to the Water Board's water conservation better management practices 102, 106, 114 – 117, 119, 120, and 122; or the Discharger's own preferred water conservation measures. The more water the Discharger can conserve, the less the Discharger will have to obtain in water storage. The Discharger shall install float-valves on appropriate storage tanks to prevent overflow. The Discharger shall install water meters to better document usage.

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

The Discharger currently has approximately 73,750-gallons of dedicated water storage (2 x 20,000-gallon bladders, 7 x 2,500-gallon tanks, 1 x 3,000-gallon tank, 1 x 1,550-gallon tank, 3 x estimated 3,000-gallon bladders, 1 x estimated 700-gallon tank, 2 x estimated 1,000-gallon tanks); not including mixing tank volume (1 x 660-gallon tank). There is a well on the property which the Discharger shall use to substitute surface diversions during the forbearance period. The Discharger shall fill his water storage outside of the forbearance. According to the required Lake and Stream Bed Alteration agreement with California Department of Fish and Wildlife once completed, and switch to the well and storage as a water source during the forbearance period. If the Discharger's well cannot provide adequate water for the forbearance period, the Discharge shall increase water storage, or another well, to provide water for the scale and scope of the cultivation operation so that no water is diverted during the forbearance period.

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

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

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

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

There is one point of diversion located on the property. If the Discharger continues to use the surface water diversion for commercial cannabis cultivation, the Discharger must ensure no surface water is diverted for 150 days during the forbearance period from May 15th to October 15th for cultivation purposes. This point of diversion (POD) consists of a 2" PVC pipe with a screened intake placed in a small water impoundment. The impoundment structure is constructed of a thick tarp, metal fence posts and boards. This impoundment of water is currently diverting 100% of stream flow and will need to be removed and replaced with an approved CDFW diversion structure. The Discharger will need to file a Lake and Stream Bed Alteration agreement with California Department of Fish and Wildlife for the diversion structure, even if it is only used for domestic use. Current CDFW approved diversion infrastructure and/or spring box infrastructure will need to meet certain requirements. These requirements are: The diversion infrastructure shall be installed by the Discharger with a structure that will not dewater the stream, the diversion infrastructure shall not intercept greater than 20% of the flow at any time, the intake shall be no greater than 1 foot below the stream bed, the top of the spring box shall be covered at all times to prevent entry by wildlife and the diversion infrastructure shall not exceed 2 cubic feet in volume and excavation shall not exceed 3 cubic feet for installation. Void spaces that remain after infrastructure installation shall be backfilled with clean washed rock.

The Discharger is currently diverting and storing surface water without an appropriate water right. An Initial Statement of Water Diversion and Use will need to be filed with the State Water Control Board, even if it is only used for domestic use. If waters from the surface water diversion are used for cultivation, the Discharger will then need to apply for a Small Irrigation Use Registration once available. The Discharger cannot comply with Standard Condition A.5.e. until the Small Irrigation Use program is completed and made available by the State Water Control Board or the Discharger no longer uses this diversion for commercial cannabis activities.

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

The water storage tanks are in secure locations. Water bladders are located on stable flats. The Discharger shall site water bladders in a containment pit, or build a dirt berm around the bladder per attached specifications.

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

Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water. In the event that irrigation runoff occurs, measures shall be in place to treat/control/contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall

be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses. Management practices include, but are not limited to, modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, and active (pumping) and or passive (gravity) tailwater recapture/redistribution systems. Care shall be taken to ensure that irrigation tailwater is not discharged towards or impounded over unstable features or landslides.

In compliance at this time. There are no signs of irrigation runoff within the cultivation sites.

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

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

Fertilizers, soil amendments, soil bags and piles are stored in a structure and left uncontained around cultivation areas and associated cultivation structures. The Discharger shall provide protection from wind and rain throughout the rainy season, and locate fertilizers where they cannot be transported into any drainage or watercourse. The Discharger shall store all bagged and boxed fertilizers on pallets and not accumulate on the ground. Soil piles shall be located where they cannot be transported into any drainage or watercourse and contained by tarping them during the winter, top and bottom, and placing a fiber log or straw bales around the pile during the winter season. Potting soils and soil piles located around Cultivation Site 2 & 3 are also addressed under Standard Condition A.7.c.

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

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

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

Erosion Control Point 3 & 4 – Cultivation Sites 2 & 3 have remnant potting soils nearby drainage ditches where sediment and nutrients in the soil can be transported into a drainage ditch. These drainages are hydrologically connected to other drainages that reach the South Fork Eel River. The Discharger shall remove or contain all potting soils located near the drainage ditches and spread chipped slash or woody debris over any remnant soils to prevent their transportation to any drainage and help absorb any constrained nutrients within the soils.

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

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

In compliance at this time. Pesticides shall be applied per specifications included in the packaging. The Discharger shall store the pesticides and herbicides with the fertilizers and soil amendments in a covered structure.

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

- a. Petroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.
- b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation.
- c. Discharger's shall ensure that diked areas are sufficiently impervious to contain discharged chemicals.
- d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.
- e. Underground storage tanks 110 gallons and larger shall be registered with the appropriate County Health Department and comply with State and local requirements for leak detection, spill overflow, corrosion protection, and insurance coverage.

There is no bulk fuel storage in use on the property at this time. The majority of fuel canisters are being stored in a shipping container near the residence. Some fuel canisters are being stored in locations near drainages, such as the fuel canister next to the water pump near the Point of Diversion (POD) or other surface flows. The fuel canister located near the POD shall be placed in secondary containment and located out of the watercourse. The associated pump

shall have an oil and fuel catch pan underneath it at all times and not be located in the watercourse. The unused truck-bed fuel tender tank located near DRC 1 shall be located away from any drainage surface flows that reach any drainage. If this tank is used for fuel storage it will shall have secondary containment equal to the volume of the tank. The Discharger shall store all fuel tanks with secondary containment and fuel canisters and other related chemicals in covered structures when not in use so as to prevent their spillage, discharge, or seepage into receiving waters.

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

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

Fertilizers, soil amendments, and soil bags and piles located around the property are being stored where their contents can enter drainages that reach watercourses. The Discharger shall store all fertilizer and soil in covered structures, not exposed to surface flows, or be stored off the ground on pallets and have tarps placed over the bagged fertilizers and soils during the winter season. Spent growth medium was found around Cultivation Site 2 and 3 and is addressed under Standard Condition A.7.c. Other cultivation-related wastes listed above, not including spent growth medium and fertilizer bags, are to be stored in locations where they will not enter into surface waters.

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

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

There is a septic system attached to the residence and there is also a pit toilet outhouse just above the residence. There are no obvious signs of sewage discharge such as foul odor, vegetation blooms, or pooling effluent. The Discharger shall remove the outhouse toilet located above the main residence. This standard condition cannot be met at this time until the Discharger obtains proof that any disposal site of domestic sewage meets applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

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

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

In compliance at this time. The Discharger is storing refuse and garbage in lidded trash cans in a contained area next to storage sheds and cabins at the main residence area.

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

In compliance at this time. Garbage and refuse is regularly disposed of at an appropriate waste disposal location in Redway at the Redway Transfer Station.

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

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

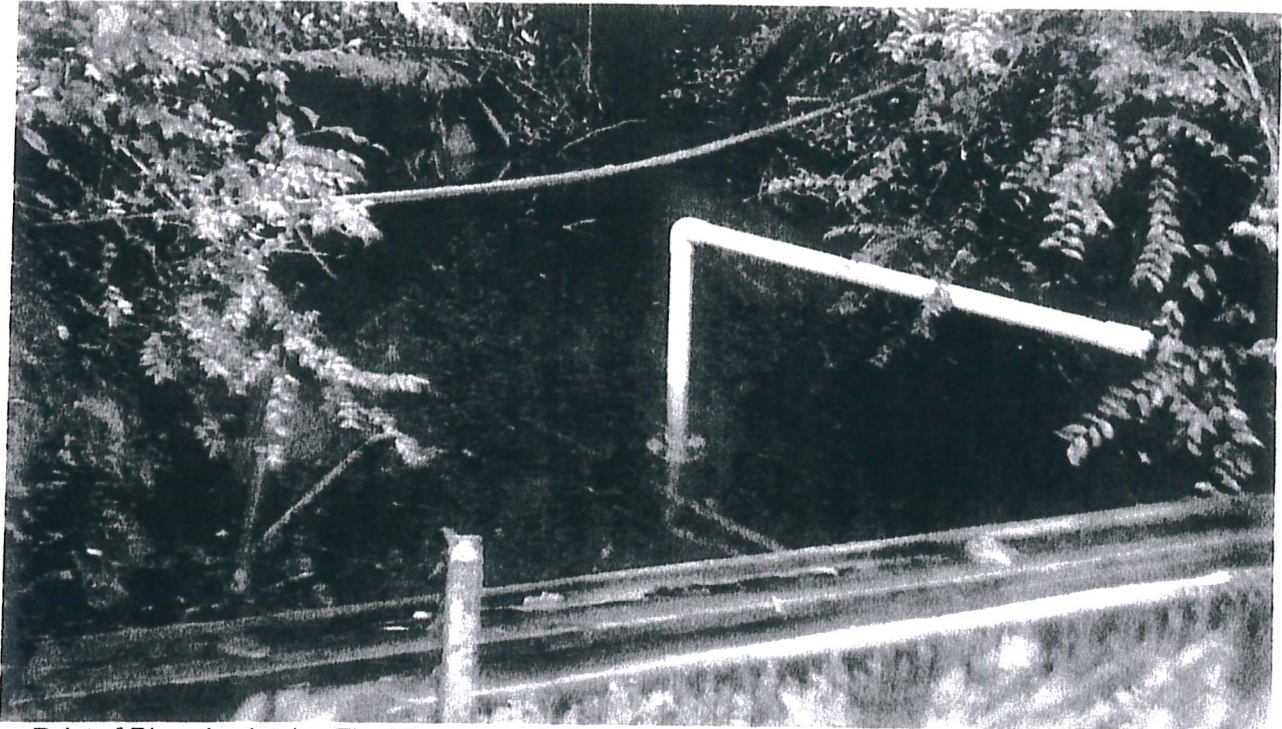
Mitigation Report (Identified Sites Requiring Remediation)

Unique Point(s)	Map Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
RP 1	Inside ditch crossing culvert is plugged with sediment and debris	A.1. b.	N/A	Unplug culvert or replace with an 18" diameter culvert	2	10/15/2017	
RP 2 & RP 3	Inside ditch with makeshift improvements eroding the roads surface	A.1. b.	N/A	Further develop the inside ditch from Road Point 2 to Road Point 3 and rock the adjacent road. Install waterbars per attached specifications to drain the road into the inside ditch.	3	10/15/2018	
RP 4	No or little road rock on the roads surface between RP 4 and RP 5 & RP 6	A.1. b.	N/A	Rock the road from Road Point 4 to Road Point 5, after the inside ditch and associated ditch relief culvert is installed, and from Road Point 4 to Road Point 6.	2	10/15/2017	
RP 5 & RP 6	DRC 4 is draining onto the road at RP 5 where it is pooling and draining across the roads surface, resulting in erosion of the road surface	A.1. b.	N/A	Install an inside ditch relief culvert at Road Point 5 and an inside ditch running from the well head draining to the newly installed DRC at RP 5. Rock armor the inlet and outlets per attached specifications. Also rock armor the cutbank below the outlet flow area down to the landing where the water bladder below is located.	3	10/15/2018	
RP 7	Inside ditch without adequate drainage facilities or structures	A.1. b.	N/A	Install an 18" diameter inside ditch relief culvert and rock armor the inlet and outlet per attached specifications.	3	10/15/2018	
RP 8	Inside ditch without adequate drainage facilities or structures	A.1. b.	N/A	Install an 18" diameter inside ditch relief culvert and rock armor the inlet and outlet per attached specifications.	3	10/15/2018	
RP 9	Concentrated surface flows are eroding the roads surface	A.1.b	N/A	Install a waterbar per attached specifications	2	10/15/2017	
RP 10	Concentrated surface flows are eroding the roads surface	A.1.b	N/A	Install a waterbar per attached specifications	2	10/15/2017	
DRC 1	A ditch relief culvert flows are downcutting and eroding a bank ~20 ft. past the outflow area	A.1. b.	N/A	Rock armor the outlet and outlet area up to the eroding bank approximately 15 feet past the outflow area	2	10/15/2017	
DRC 2	Newly installed DRC with no rock armoring	A.1. b.	N/A	Rock armor the inlet and outlets per attached specifications	2	10/15/2017	
DRC 3	Newly installed DRC with no rock armoring	A.1. b.	N/A	Rock armor the inlet and outlets per attached specifications. Also, rock armor the outlet flow area down to where flows reach the road where the well is located.	2	10/15/2017	
ECP 1	Outlet flows from DRC 1 are eroding a bank below the outflow area	A.1. e.	N/A	Rock armor the slope and base of the bank where the erosion is occurring	2	10/15/2017	
ECP 2	Failed inside ditch is draining onto the roads surface	A.1. b.	N/A	Clear and re-establish the inside ditch. Install a waterbar above that drains into the inside ditch	3	10/15/2018	

ECP 3	Discharger constructed a drainage ditch along the western side of the greenhouse that drains under a board crossing into an inside ditch. Remnant potting soils and past soil piles are located nearby drainage ditches.	A.1. e.	N/A	Further develop the drainage ditch, rock the drainage ditch, and replace the makeshift board crossing with a ditch relief culvert. Rock armor the ditch relief culvert per attached specifications. Remove or properly contain all potting soils located near these drainage ditches and spread chipped slash or woody debris over any remnant soils.	3	10/15/2018	
ECP 4	Discharger constructed a drainage ditch along the southern end of the greenhouses. Remnant potting soils and past soil piles are located nearby drainage ditches.	A.1. e.	N/A	Install a waterbar across the road that drains into the ditch. Further develop the drainage ditch, rock the drainage ditch and the ditches outlet flow area over the fill bank. Remove or properly contain all potting soils located near these drainage ditches and spread chipped slash or woody debris over any remnant soils.	3	10/15/2018	
ECP 5	Discharger constructed a makeshift drainage ditch along the southern and western sides of the greenhouses.	A.1. e.	N/A	Further develop the drainage ditch, rock the drainage ditch and the ditches outlet area over the fill bank. Remove or properly contain all potting soils located near these drainage ditches and spread chipped slash or woody debris over any remnant soils.	3	10/15/2018	
UA 1	A cutbank slumped out into an inside ditch and adjacent road	A.1. c.	Use straw bales or fiber logs in the drainage ditch below the unstable area and place straw bales or fiber logs around the base of the slumped bank.	Buttress the toe of this unstable feature per attach specifications and install erosion control measures to help slow and prevent sediment delivery to drainages.	1	10/15/2017	
Outhouse/ Residence	Outhouse/Septic system	A.11.	N/A	Discontinue use of the outhouse and remove the structure. Obtain proof that any disposal site of domestic sewage meets applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's Onsite Wastewater Treatment System (OWTS) policy.	4	Shortest time possible, but no later than the expiration of this Order (five years)	
N/A	Uncontained fertilizer bags, soil piles, and soil bags	A.7. (a, c)	Immediately clean up and contain all fertilizer bags, soil piles, and soil bags	Provide protection from wind and rain throughout the rainy season for fertilizers, and locate fertilizers where they cannot be transported into any drainage or watercourse. Store all bagged and boxed fertilizers on pallets and not accumulate on the ground. Soil piles shall be located where they cannot be transported into any drainage or watercourse and contain all soil piles by tarping them during the winter, top and bottom, and placing a fiber log or straw bales around the pile during the winter season.	1	10/15/2017	

Point of Diversion, Well, Water Storage	Water Storage and Use	A. 5.	N/A	<p>--Fuel canisters located near the POD shall be placed in secondary containment and located out of the watercourse. The associated pump shall have an oil and fuel catch pan underneath it at all times and not be located in the watercourse.</p> <p>--Remove and replace the diversion structure with an approved CDFW diversion structure, pursuant to a CDFW Lake & Stream Bed Alteration agreement.</p> <p>--Obtain a functioning well; or obtain water storage that can provide adequate water supply for the scale and scope of the cultivation operation during the forbearance period from May 15th to October 15th.</p> <p>--An Initial Statement of Water Diversion and Use shall be filed with the California State Water Resources Control Board while Discharger waits to apply for a Small Irrigation Use Registration, once available.</p> <p>--Implement water conservation measures. Install float valves on applicable water tanks. Install water meters to better document water usage.</p> <p>Site water bladders in a containment pit, or build a dirt berm around the bladder per attached specifications.</p>	2	10/15/2017	
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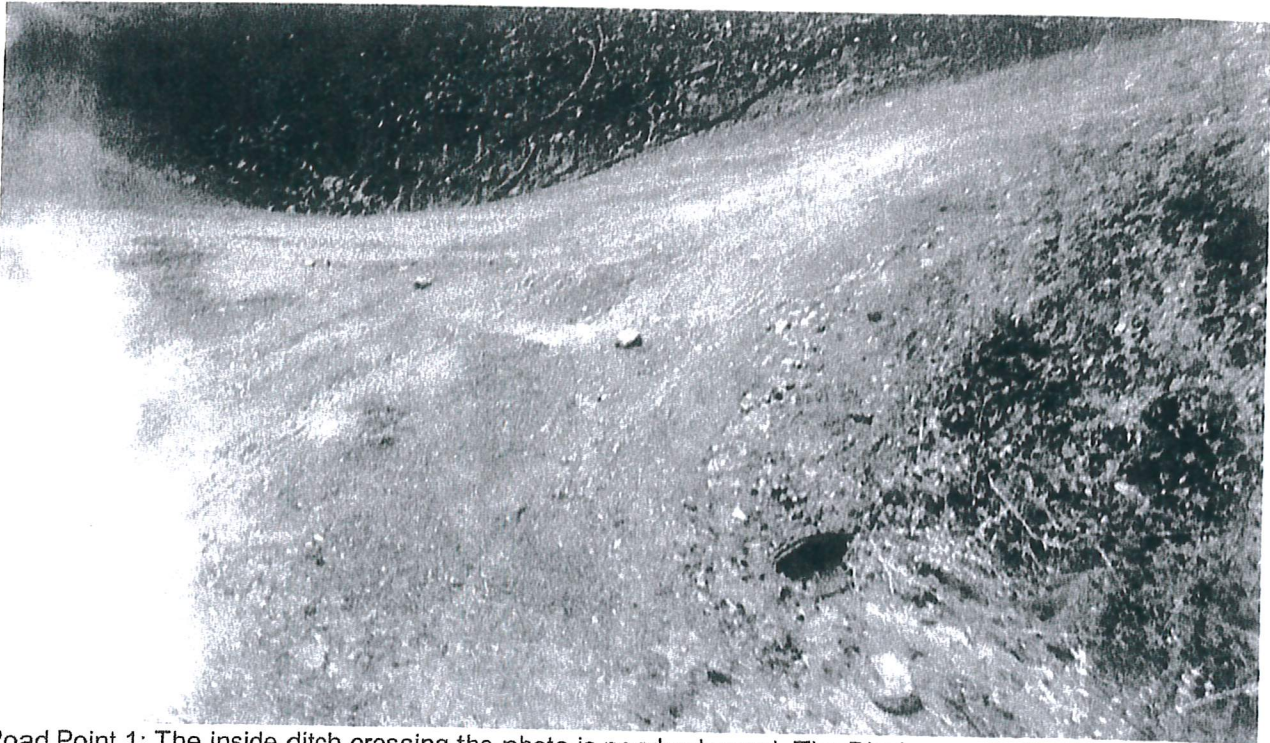
Treat Priority: Treatment Priority (1) indicates a very high priority with treatment being planned to occur immediately, (2) indicates a high priority site with treatment to occur prior to the start of the winter period (Oct. 15), (3) indicates a moderate priority with treatment being planned to occur within one year, or prior to the winter period (Oct. 15) of the 2nd season of operations, and (4) indicates a low priority with treatment being planned to occur in the shortest time possible, but no later than the expiration of this Order (five years)

Attached Photo's

Point of Diversion Intake: The Discharger shall remove this diversion and install an approved diversion structure pursuant to a CDFW Lake and Stream Bed Alteration agreement. All photos were taken 12/6/2016



Below Point of Diversion: The Discharger shall remove this diversion and install an approved diversion structure pursuant to a CDFW Lake and Stream Bed Alteration agreement.



Road Point 1: The inside ditch crossing the photo is nearly plugged. The Discharger shall unplug the culvert or replace it with an 18" diameter culvert.



Road Point 3 towards Road Point 2: The Discharger has created a makeshift inside ditch as shown in the photo. The Discharger shall fully develop the inside ditch, rock the adjacent road and install waterbars across the road to divert surface flows into the inside ditch.



Road Point 5 looking towards Road Point 4: This picture shows road surface flows coming from the outlet flows of DRC 4 draining down and across the roads surface. The Discharger shall install an inside ditch along the cutbank on the right of the road in the photo to capture the surface flows coming from DRC 4 and install a ditch relief culvert where the water crosses the roads surface.



Road Point 5: This photo shows the flows from the opposite direction of the photo above.



Road Point 4 looking at road surface erosion on the road up to Road Point 6. The Discharger shall rock armor the road up to Road Point 6.



Road surface erosion that needs to be rocked between Road Point 4 and Road Point 6.



Road Point 8: Install an 18" diameter inside ditch relief culvert and rock armor the inlet and outlet per attached specifications at this location.



Road Point 9: Install a waterbar here per attached specifications.



Road Point 10: Install a waterbar here to drain the road and surface flows coming from the greenhouses around the corner to the left in the photo. This segment of road, between Road Point 4 and Road Point 6 also needs to be rocked.



The Discharger shall install drainage ditches between the greenhouse above in the photo and direct the flows of the drainage ditches to the back of the greenhouses so that they no longer drain onto the road as shown in the photo above. This segment of road, between Road Point 4 and Road Point 6 shall be rocked.



Ditch Relief Culvert 1 Inlet: The Discharger shall rock armor the inlet of this ditch relief culvert per attached specifications.



Ditch Relief Culvert 1 Outlet: Flows coming from the ditch relief culverts outlet are eroding the bank bottom center in the photo. The Discharger shall rock armor the outlet of the DRC and the eroding the bank located in the bottom center of the photo.



Erosion Control Point 1: Ditch relief outflow is eroding the bank center bottom of the photo. The eroding bank shall be rock armored.



Ditch Relief Culvert 2 Inlet: The Discharger shall rock armor the inlet of this ditch relief culvert per attached specifications.



Ditch Relief Culvert 2 Outlet: The Discharger shall rock armor the outlet of this ditch relief culvert per attached specifications.



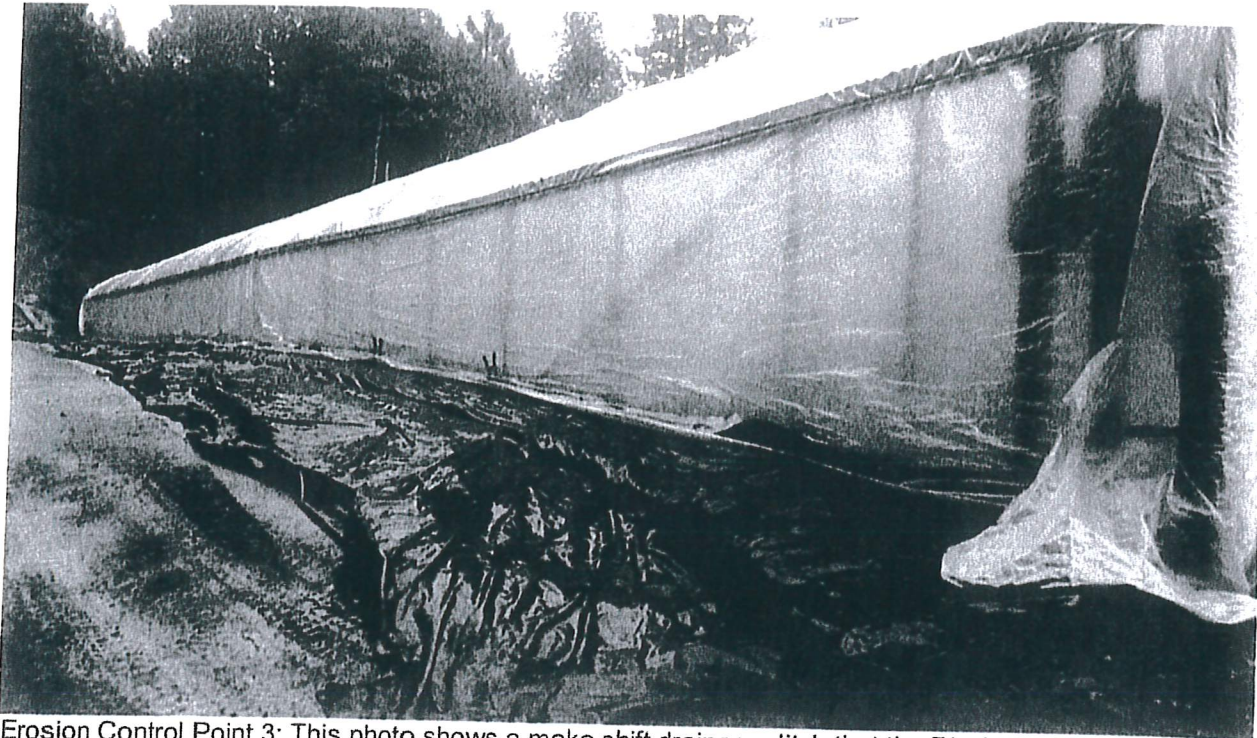
Ditch Relief Culvert 3 Inlet: The Discharger shall rock armor the inlet of this ditch relief culvert per attached specifications.



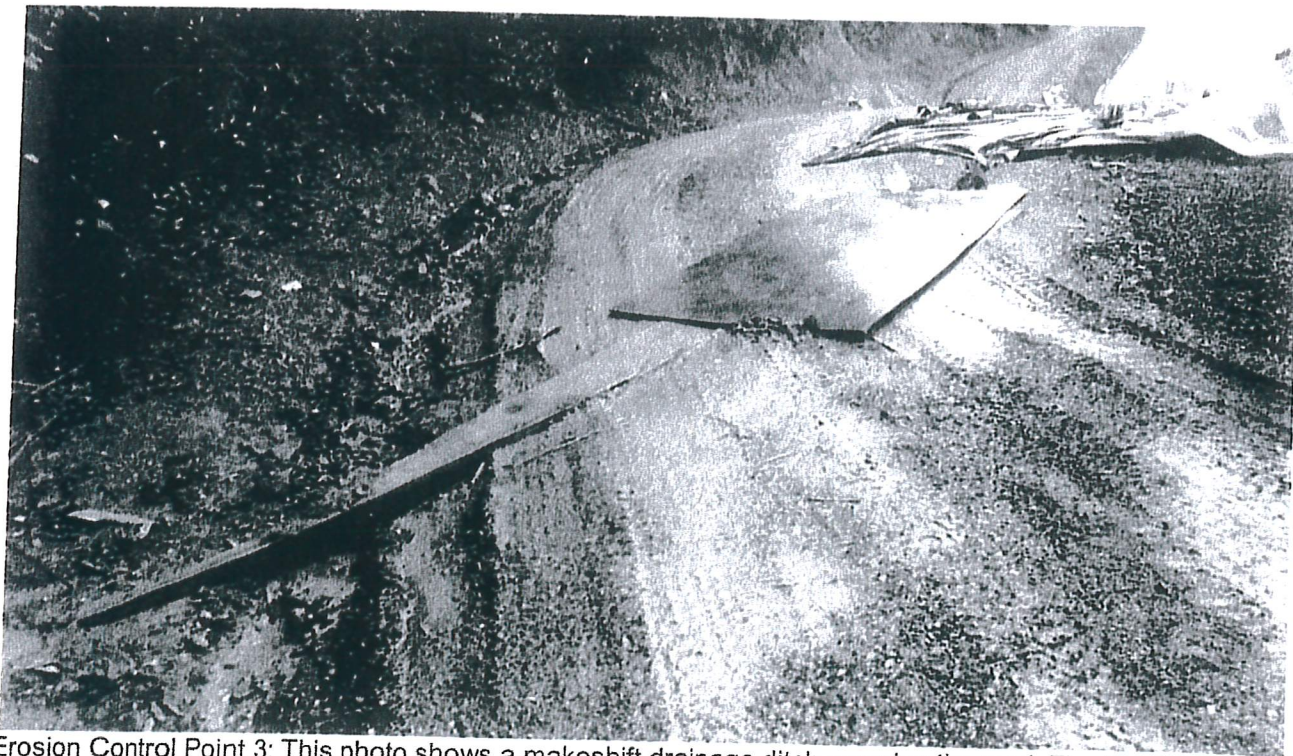
Ditch Relief Culvert 3 Outlet: The Discharger shall rock armor the outlet of this ditch relief culvert per attached specifications.



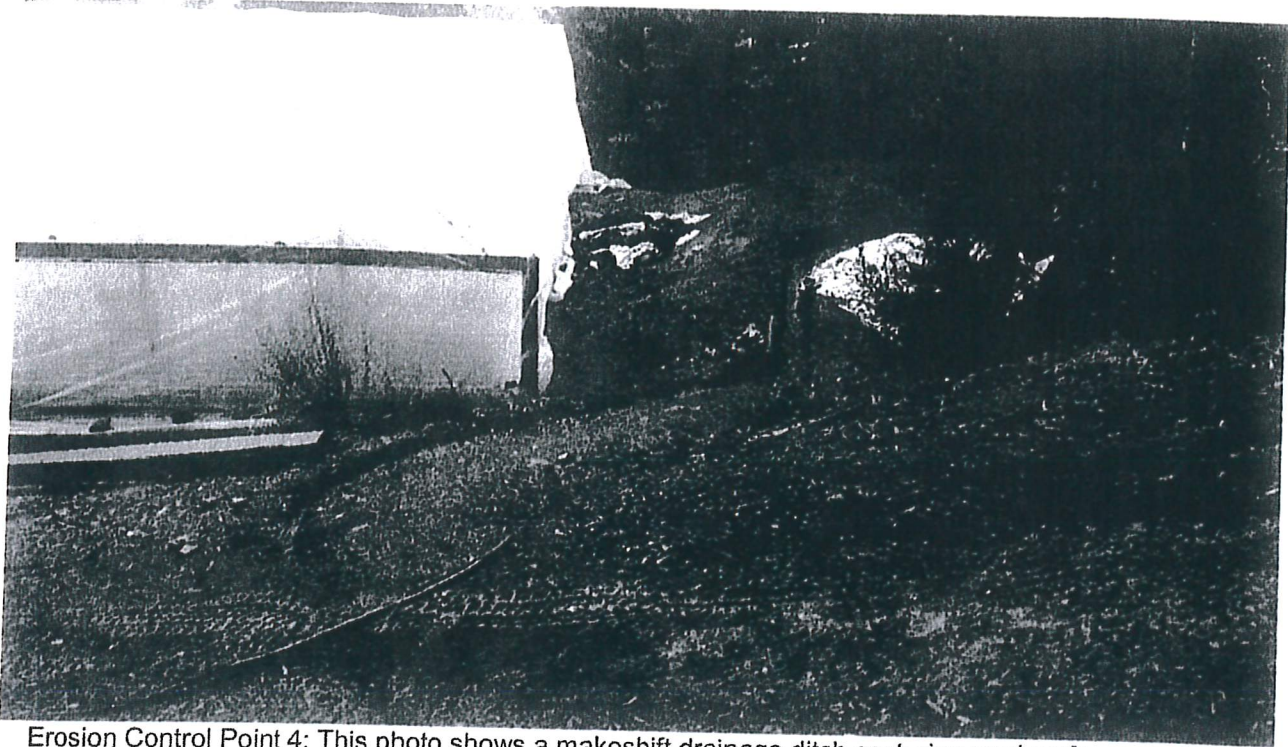
Erosion Control Point 2: Failed inside ditch draining onto the roads surface. The Discharger shall clear the inside ditch located along the left side of the photo and install a waterbar above the ditch that drains road surface flows into the inside ditch.



Erosion Control Point 3: This photo shows a make shift drainage ditch that the Discharger installed to help drain the flat of rain water. The Discharger shall further develop the drainage ditch and rock the drainage ditch. Remove or properly contain all potting soils located near these drainage ditches and spread chipped slash or woody debris over any remnant soils.



Erosion Control Point 3: This photo shows a makeshift drainage ditch crossing the road. The Discharger shall install a drainage ditch relief culvert where the boards are located that drain into the inside ditch on the left side of the photo. The Discharger shall also rock armor the inlet and outlets per attached photos.



Erosion Control Point 4: This photo shows a makeshift drainage ditch capturing road surface runoff and draining the flows away from the cultivation site. The Discharger shall install a waterbar across the road that drains into this ditch. The Discharger shall also further develop the drainage ditch, rock the drainage ditch and the ditches outlet flow area over the fill. The Discharger shall also remove all potting soils located near these drainage ditches and spread chipped slash or woody debris over any remnant soils.



Erosion Control Point 4: This photo shows the drainage ditch from the cultivation area. The Discharger shall remove or properly contain all potting soils located near these drainage ditches and spread chipped slash or woody debris over any remnant soils.



Erosion Control Point 5: This photo shows a make shift drainage ditch that is capturing rain water and draining it away from the cultivation site. The Discharge shall install a drainage ditch in between the greenhouses that drains into the existing drainage ditch shown in the photo. The Discharger shall also further develop the drainage ditch, rock the drainage ditch and the ditches outlet area over the fill. The Discharger shall also remove all potting soils located near these drainage ditches and spread chipped slash or woody debris over any remnant soils.



Unstable Area 1: Butress the toe of this unstable feature per attach specifications and install erosion control measures to help slow and prevent sediment delivery to drainages. Use straw bales or fiber logs in the drainage ditch below the unstable area and place straw bales or fiber logs around the base of the slumped bank. Picture taken 1/18/2017

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Department of Health & Human Services	✓	Approved	On-File
Department of Building Inspection	✓	Approved	On-File
Public Works, Land Use Division	✓	Approved with Conditions	On-File
CalFIRE	✓	Approved	On-File
Northwest Information Center (NWIC)	✓	Memo	On-File and Confidential
Bear River Band of the Rohnerville Rancheria	✓	Email	On-File
California State Parks	✓	Memo	On-File



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



PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

DEH received
9-20-17

Project Referred To The Following Agencies:

1718-0743

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sinkyone Tribe, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Christopher Cameron **Key Parcel Number** 211-401-018-000

Application (APPS#) 10994 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-119

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

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

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

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

Return Response No Later Than

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends approval with the following conditions:

- (1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

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





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



10/23

9/20/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sinkyone Tribe, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Christopher Cameron **Key Parcel Number** 211-401-018-000

Application (APPS#) 10994 **Assigned Planner ()** - **Case Number(s)** CUP16-119

211-401-018

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 10/5/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

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

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

☒ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: see Attached Referral

DATE: 10/24/17

PRINT NAME: Paterete McTig



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.: 44735
Parcel No.: 211-401-015
Case No.: CUP 12-119

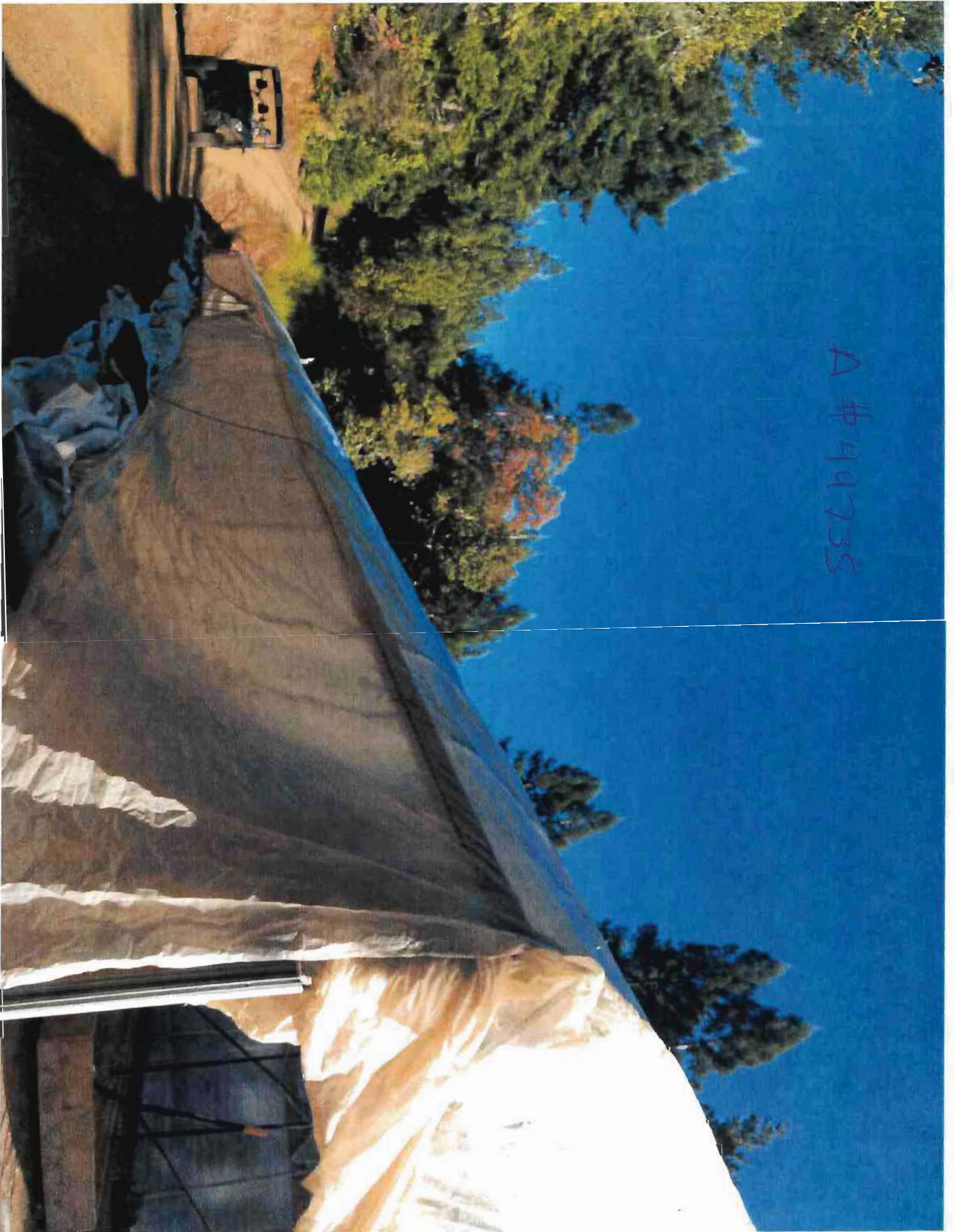
The following comments apply to the proposed project, (check all that apply).

- ☒ 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: _____

Name: Patricia

Date: 10/24/17

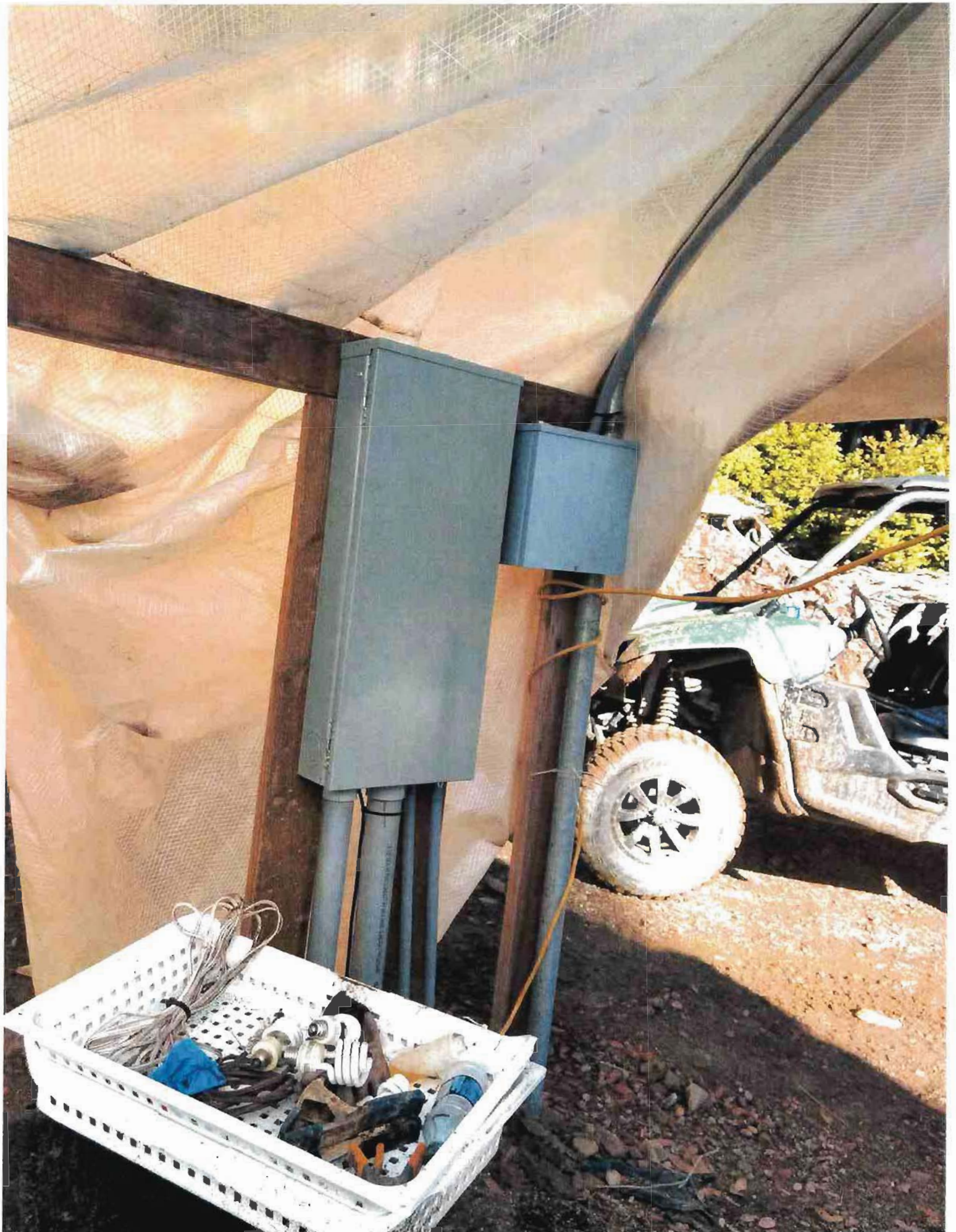
Note. Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects,(CUP, SP, ZCC) Case number.

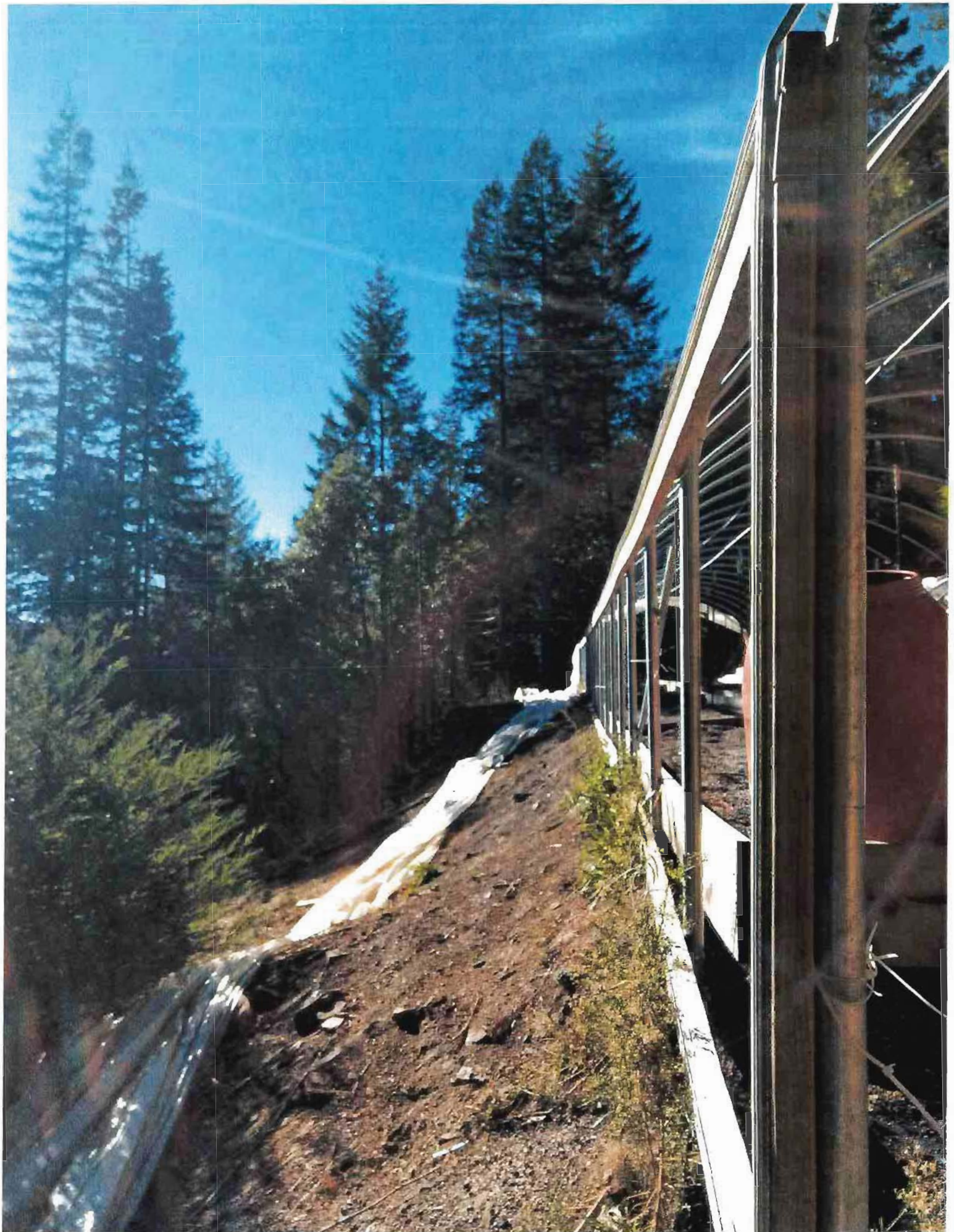


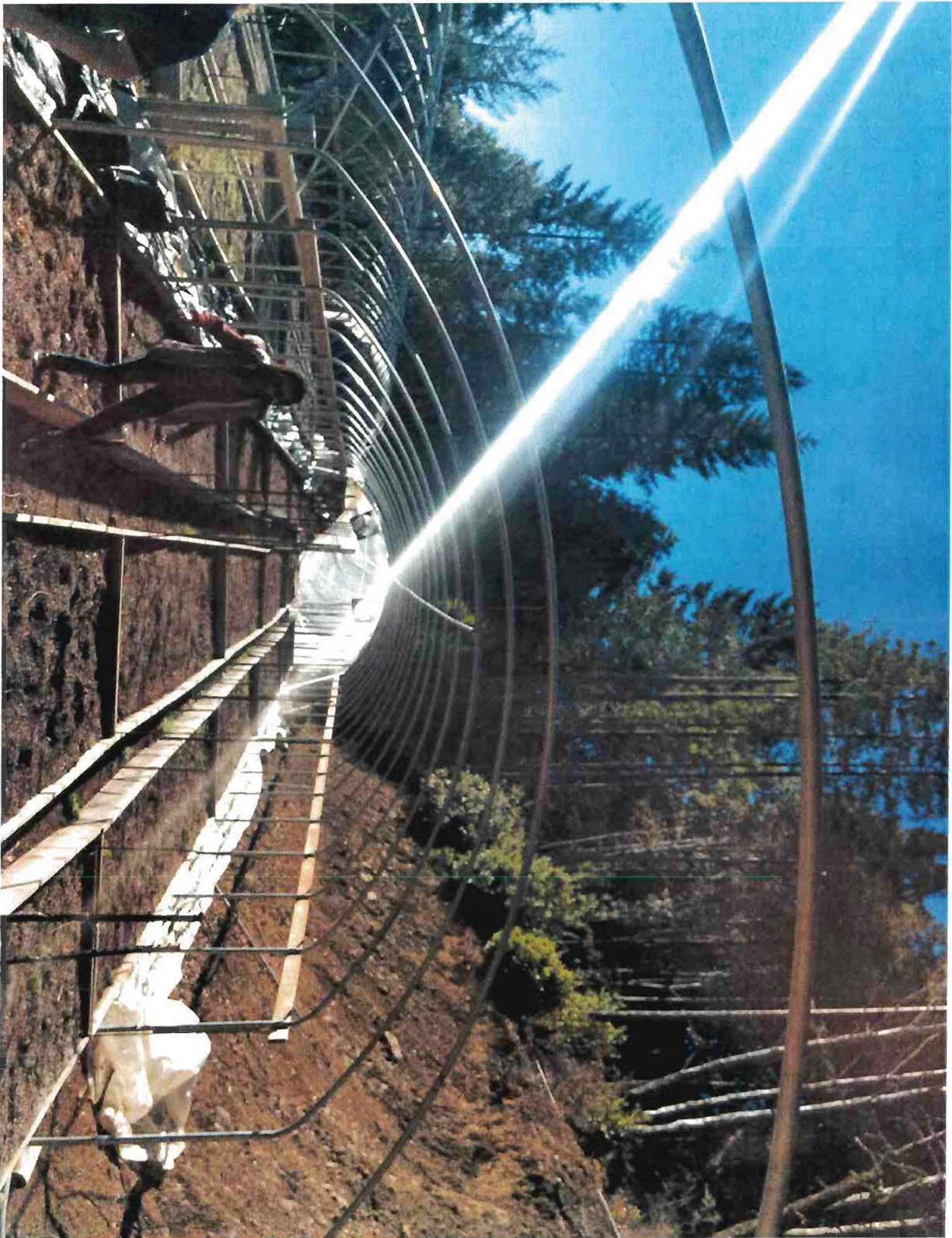
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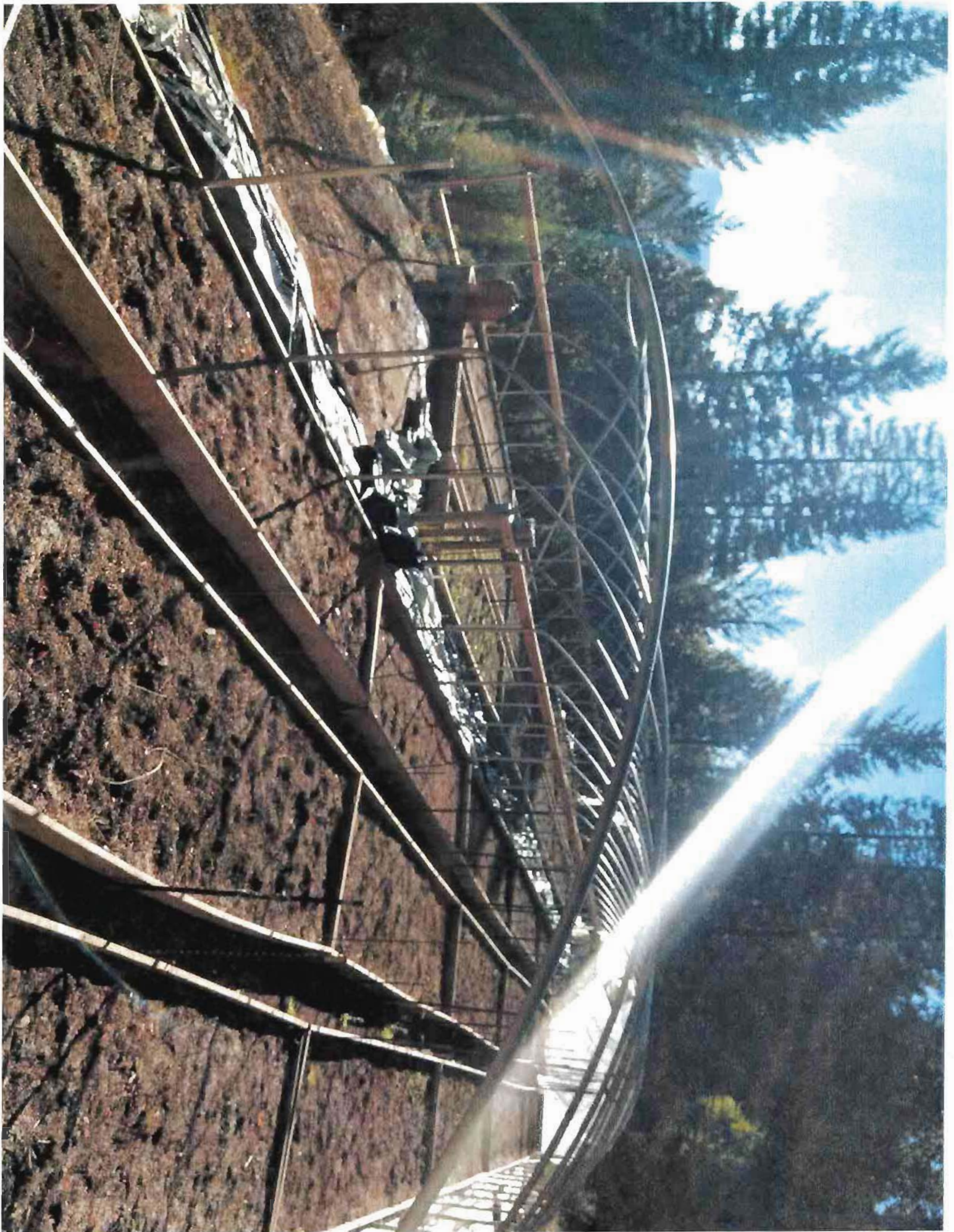
















DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
Date: September 27, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Cameron, Christopher
APN: 211-401-018-000
Area: Myers Flat
Case Numbers: CUP16-119

Humboldt County Application #: 10994
Type of Application: Conditional Use Permit
Date Received: 9/21/2017
Due Date: 10/4/2017

Project Description: A Conditional Use Permit for 15,000 square feet of existing mixed-light cannabis cultivation is requested. Processing is done on-site. Water used for irrigation is supplied by a permitted well on the property. The Applicant has 40,000 gallons of water storage. Power is supplied by PG&E.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

General Recommendations:

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

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



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

RECEIVED

SEP 26 2017

9/20/2017

PROJECT REFERRAL TO: Public Works Land Use Division

HUMBOLDT CO. PUBLIC WORKS
LAND USE DIVISION

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, Pacific Gas and Electric, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Sinkyone Tribe, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Christopher Cameron **Key Parcel Number** 211-401-018-000

Application (APPS#) 10994 **Assigned Planner** () - **Case Number(s)** CUP16-119

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 10/5/2017

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: _____

PRINT NAME: _____



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

AVIATION

839-5401

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

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

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

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

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

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

LAND USE

445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 2-22-2018

RE:

Applicant Name	Christopher Cameron
APN	211-401-018
APPS#	10994

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review item 4 on Exhibit "C"

// END //

Public Works Recommended Conditions of Approval

APPS # 10994

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

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

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

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

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Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 10994

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

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

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

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

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

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

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

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

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

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

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

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

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

Exhibit "C"

Additional Review is Required by Planning & Building Staff

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

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

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

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

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

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

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

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

If YES, include the following requirement:

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

// END //

ATTACHMENT 5
PUBLIC COMMENTS