RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution Number: 24-031

Record Number: PLN-11653-CUP Assessor's Parcel Number: 107-054-014

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Scott Roberts Conditional Use Permit.

WHEREAS, Scott Roberts provided an application and evidence in support of approving a Conditional Use Permit for an existing 18,462 square feet (SF) of pre-existing mixed light cannabis cultivation and 1,840 SF of ancillary nursery and propagation area.; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on June 6, 2024 and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

Project Description: A Conditional Use Permit for 18,462 square feet existing mixed light commercial cannabis cultivation and 1,840 square feet of ancillary nursery. Estimated annual water usage is 392,260 gallons sourced from rainwater catchment and an existing well. Existing irrigation water storage totals 93,300 gallons. Drying will occur onsite, all other processing activities will be performed offsite by a licensed processor. Electricity is provided by solar panels with a proposed emergency backup generator.

EVIDENCE: a) Project File: PLN-11653-CUP

2. FINDING:

CEQA. The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration that was prepared for the project pursuant to Section 15164

of the CEQA guidelines.

EVIDENCE: a) Addendum Prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Site Management Plan (SMP) was prepared by the applicant for the subject site in August 2019 in compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order for Waste Discharge (WQ2019-0001-DWQ). The project is conditioned to adhere to and implement the recommendations of the SMP and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) Potential Northern Spotted Owl habitat exists in the vicinity and the nearest activity center is over 1.3 miles from the site. As a pre-existing cultivation site which applied for permitting prior to December 31, 2019, the site is located beyond the distance established in Humboldt County Code section (HCC) 314-55.4.12.1.10, which would have required a biologist to conduct a disturbance and habitat modification assessment. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the backup generator or at the edge of the nearest forest habitat, whichever is closer. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact northern spotted owl or other sensitive species.
- e) Staff review of the CNDDB concluded that continuing the operation will not impact species of concern.
- f) A Road Evaluation Report concludes the route leading to the subject parcel is developed to the equivalent of a Category 4 road standard and is suitable for safe access to and from the project site. The farm is owner operated with no employees. No increase in vehicle traffic is anticipated as part of the proposed project.
- g) A Cultural Resource Survey was conducted by Dimitra Zalarvis-Chase and Cydney Steele of DZC Archaeology & Cultural Resource Management and received August 3, 2021. One (1) historic resource was identified on the parcel. The survey provided recommendations that, if implemented, would eliminate any potential adverse effects to the resource. The survey recommended installing a No. 2 base rock cap

over the resource, flagging the resource boundary, and prohibiting all cultivation and related activities above and below the resource boundary. The Bear River Band of the Rohnerville Rancheria's Tribal Historic Preservation Office inspected the subject parcel and concurred with the Survey's recommendations. The recommendations to protect the resource described within the Survey have been incorporated into the conditions. Inadvertent discovery protocol is also included within the conditions.

h) After removal of the one greenhouse from within the Streamside Management Area (SMA), all existing and proposed development will meet appropriate SMA Class II watercourse setbacks.

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

4. FINDING: The proposed development is consistent with the purposes of the existing Agricultural Exclusive (AE) in which the site is located.

EVIDENCE: a) The AE Zone is applied to areas of the county in which general agriculture uses are the desirable predominant uses.

- b) All general agricultural uses are principally permitted in the AE Zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 18,462 SF of mixed light cultivation on a 64.4-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- d) All cultivation is at least 30 feet from all property lines and there are no

public parks, churches, school bus stops or other sensitive receptors within 600 feet of the cultivation areas.

5. FINDING:

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

EVIDENCE: a)

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (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 through an approved parcel map, filed in Book 11 of Parcel Maps, Page 54 on Amended Parcel Map No. 1129.
- c) Water for irrigation is sourced from rainwater catchment gutters and an existing permitted well.
- d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic.
- e) The slope of the land where existing cannabis will be cultivated is 15% to 30 % on existing flats. All relocated cannabis will be on slopes of 15% or less.
- f) Power is provided by solar panels with an invertor and battery system which supply power to the greenhouse lighting and fans. Backup emergency power is provided by a Honda 3000 generator, which is not stored onsite and only brought onsite when needed.
- g) The cultivation of cannabis will not result in the net conversion of timberland post environmental baseline (January 1, 2016). No timber conversion is proposed.
- h) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING:

The cultivation of 18,462 square feet of existing commercial cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) The site is located on road that has been found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.

- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site will not change the character of the area due to the large parcel sizes in the area.
- c) Irrigation water for the project is provided by rainwater catchment and a permitted well that has been verified by Lindberg Geologic Consulting as having a low likelihood of being connected to surface waters or neighboring wells. Based on analysis of the potential water supply from the well and rainwater catchment, there is likely sufficient water to support the existing cultivation.
- d) A Site Management Plan (SMP) was prepared by the applicant for the subject site in August 2019 in compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order for Waste Discharge (WQ2019-0001-DWQ). The project is conditioned to adhere to and implement the recommendations of the SMP and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.

7. FINDING:

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

EVIDENCE: a)

The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit and has two residences onsite. The approval of cannabis cultivation on this parcel will not conflict with the onsite residences.

8. FINDING:

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE: a) The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this planning watershed would be 233 cultivation permits and the total approved acres would be 90.55 acres of cultivation

DECISION

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

- · Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Scott Roberts, subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on June 6, 2024.

The motion was made by COMMISSIONER <u>Noah Levy</u> and second by COMMISSIONER <u>Jerome Qiriazi</u> and the following vote:

AYES:

COMMISSIONERS:

Iver Skavdal, Noah Levy, Jerome Qiriazi, Peggy O'Neill,

Lorna McFarlane

NOES:

COMMISSIONERS:

ABSENT:

COMMISSIONERS:

Thomas Mulder, Sarah West

ABSTAIN:

COMMISSIONERS:

DECISION:

Motion carried 5/0

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

CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT (11653) IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS.

- A. Conditions subject to the compliance agreement must be satisfied before the provisional cannabis cultivation permit is no longer considered provisional. This section also includes conditions that must be completed within specified time frames or completed prior to commencing cultivation.
- 1. Within 60 days of the effective date of permit approval, the permittee shall execute a Compliance Agreement with the Humboldt County Planning and Building Department described under Conditions of Approval A.6 through A.15. All activities described in 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.
- 2. As soon as practicable and before cultivating in 2024, the permittee shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well, the rainwater catchment system, and the amount of water available in storage tanks. The water tracking log shall be provided annually prior to or during the annual inspection.
- 3. Within 60 days of the effective date of project approval, the permittee shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning and Building Department.
- 4. Within 60 days of the effective date of project approval, the permittee shall obtain a will serve letter from the Fire Protection District OR cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
- 5. Within 60 days of the effective date of project approval, the permittee shall pay 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. The permittee is responsible for costs for post-approval review for determining project conformance with conditions. Payment shall be made to the Humboldt County Planning Division, 3015 H Street, Eureka. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection.

- 6. The permittee shall obtain grading permits for all existing, unpermitted grading associated with the existing cannabis operation and for any grading required by the relocation site. No grading of slopes greater than 15% is authorized.
- 7. The permittee shall obtain permits or exemptions for all structures associated with the cannabis operation.
- 8. The final site plan for the relocated square footage shall not propose any cultivation or propagation on slopes greater than 15%. The final site plan shall include topographic lines for verification.
- 9. The applicant shall perform the following road improvements, as requested by the Department of Public Works:
 - a. The applicant shall cause to be improved the intersection of Mattole Road and the driveway, by paving the driveway apron for a minimum width of 18 feet and a length of 50 feet to the 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.
 - b. The applicant shall cause to be improved the intersection of Mattole Road and Doreen Drive, by paving the driveway apron for a minimum width of 20 feet and a length of 50 feet to the 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.
 - c. All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
 - d. Improve and implement the requests from the Department of Public Works, requesting that all fences and gates be relocated out of the County right-of-way. All gates shall be setback sufficiently from County right-of-way (Mattole Road), such that vehicles do not block traffic when staging to open and close the gate, and no materials shall be stored in the County right if way.

These conditions 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.

- 10. To comply with the requirements of the Lake and Streambed Alteration Agreement (LSAA), EPIMS-HUM-07443-R1, the applicant shall submit the following documents to CDFW and the Planning Division within two weeks of project approval:
 - a. A minor amendment to the LSAA to revise the work completion date;

- b. A Revegetation Plan;
- c. A Water Management Plan;
- d. An Environmental Management Plan, including plans for erosion control that would deconcentrate surface flow off roads and away from streams, as well as plans for maintenance of water bars, as necessary, to mitigate sediment delivery.
- 11. To comply with the requirements of the LSAA, EPIMS-HUM-07443-R1, the applicant shall, by October 15, 2024, complete and provide evidence of completion to the Planning Division and CDFW for the following:
 - a. Remove the greenhouse and all associated refuse from the Class II stream corridor;
 - b. Revegetate the disturbed area within and surrounding the stream corridor with appropriate native vegetation;
 - c. Replace the failing rocked crossing;
 - d. Hydrologically disconnect the road from the stream.
- 12. All work associated with the LSAA, EPIMS-HUM-07443-R1 must be completed by September 1, 2026, otherwise the permit will be scheduled for revocation.
- 13. The applicant shall implement the following conditions, as recommended by the Cultural Resource Inventory Report for APN 107-054-014 prepared by DZC Archaeology & Cultural Resource Consulting, LLC:
 - a. The entire area within the recorded boundary of DZC-SR-01 shall be capped using No. 2 base rock to a depth of 4 inches.
 - b. The resource boundary shall be flagged with survey whiskers to denote entrance into the resource protection area of DZC-SR-01. These shall be replaced as needed to maintain boundary identification, but annual replacement is recommended.

The recorded boundaries of DZC-SR-01 are shown in the Appendix of the Inventory Report. Additional ongoing conditions are listed in Condition B.2

- 14. The applicant shall remove from the site and properly dispose of all cannabis cultivation associated waste, including degrading plastic bags, tarps, and unused waterlines. All fertilizer containers and the materials within shall be properly stored or properly disposed of.
- 15. The applicant shall treat all slash and woody debris onsite in order to be in compliance with Forest Practice Rules 14CCR 1104.1(a)(2)(D).

- 16. The applicant shall restore and reseed the sites of the greenhouses proposed to be relocated.
- 17. Prior to any vegetation removal or ground disturbing activities, the applicant must have the area surveyed by a qualified biologist to assess the potential presence of special status species. If any special status species are identified onsite, the applicant must adhere to the biologist's recommendations. If any special status species are identified in the work area, the applicant must work with CDFW and the Planning Division and modify the project as necessary prior to continuing development.

B. General Conditions

- 1. Ensure all generators are located on stable surfaces with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone per the requirements of CDFW.
- 2. The applicant shall implement the following conditions, as recommended by the Cultural Resource Inventory Report for APN 107-054-014 prepared by DZC Archaeology & Cultural Resource Consulting, LLC:
 - a. All surface and subsurface cultivation and related activities are prohibited within the recorded boundaries of DZC-SR-01.
 - b. Road maintenance and blading shall not occur within the recorded boundary of DZC-SR-01, nor outside of the existing roadway prism within 200 feet of the recorded boundary of DZC-SR-01.
 - c. If any major road repairs or grading are required within the site boundary, an archaeological monitor shall be present.

The recorded boundaries of DZC-SR-01 are shown in the Appendix of the Inventory Report. Please also refer to Condition A.12.

- 3. The applicant shall retain no less than 150,000 gallons of water in the combination of well water storage and rainwater catchment storage onsite, to be used if the well does not produce for a full cultivation season.
- 4. All compost, imported soils, and discarded soils shall be fully contained in a manner that prevents runoff.
- 5. The operations plan states that only the applicant living onsite will operate the farm and no employees will be utilized. If, at any point in the future, the project requires additional laborers, such as seasonal staff, relatives living offsite, or farm labor

- contractors, then the project will require approval of a Modification before the additional laborers arrive onsite.
- 6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and the applicant is responsible for this cost to the project.
- 7. 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.
- 8. 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 to keep the permit valid.
- 9. 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. 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.

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

- 1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground-stone 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.
- 2. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl

species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005. 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.

- 3. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be shielded 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. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of low-pressure sodium light or low spectrum light emitting diodes with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- 4. Should the Humboldt County Planning Division receive complaints that lighting or noise is not complying with the standards listed above in this permit, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the light shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
- 5. Prohibition of the use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- 6. The water tracking log shall be provided annually prior to or during the annual inspection.
- 7. All refuse shall be contained in wildlife proof containers, always, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
- 8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
- 9. The use of anticoagulant rodenticide is prohibited.
- 10. If the project is modified to include the use of employees, then 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.

- 11. 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, the CMMLUO, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
- 12. If operating pursuant to a written approved compliance agreement, the permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
- 13. 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. 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 applicant is required to adhere to and implement the requirements contained in the California State Water Resources Control Board's (SWRCB) Cannabis Cultivation Policy, the General Order, and the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) or Monitoring Log(s) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
- 16. The applicant is required to maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-

- 0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
- 17. The applicant is required to comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Agreement obtained from the California Department of Fish and Wildlife (CDFW). Reporting requirements shall be submitted to the Planning Department at 3015 H St and to the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- 18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
- 19. 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.
- 20. 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. At time of issuance, that agency is the Department of Cannabis Control (DCC).
- 21. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
- 22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide. All fuels, fertilizers, pesticides, fungicides, rodenticides, and herbicides must be stored in secondary containment within structures.
- 23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
- 24. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
- 25. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
- 26. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

- 27. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
- 28. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
- 29. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
- 30. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.

- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
- 31. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
- 32. <u>Term of Commercial Cannabis Activity Permit</u>. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
- 33. <u>Inspections</u>. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance or file an appeal within ten

(10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

The permit holder and subject property owner are to allow 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.

- 34. <u>Permit Renewals to Comply with Updated Laws and Regulations</u>. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
- 35. Acknowledgments to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
- 36. <u>Transfers</u>. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgment of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

Cultivation and Processing Plan

1051 Heidi Lane Honeydew, California APN: 107-054-014-000

Apps#: 11653



CULTIVATION AND PROCESSING PLAN

1051 Heidi Lane Lane, Honeydew CA

APN: 107-054-014-000

APPS#:11653

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SUMMARY OF ATTACHMENTS

- A. SITE MAP
- B. 2012 GOOGLE EARTH MAP HISTORIC CULTIVATION CANOPY
- C. NOTICE OF APPLICABILITY WATER QUALITY ORDER 2109-0001-DWQ

PROPERTY LOCATION AND DESCRIPTION

Scott Roberts ("Applicant") is applying for a Conditional Use Permit for 18,462 sf of pre-existing mixed light commercial cannabis cultivation on a 64.75 acre parcel owned by the Applicant. This property is located within the North Fork Mattole River watershed, Assessor's Parcel Number 107-054-014-000. The parcel is in the inland zone and is currently zoned AG.

Roads throughout the property are currently 40% rocked gravel and 60% seasonal dirt. The road is 10 to 12 feet, wider in some sections, and has one six-inch culvert. There are ditches for water flow on either side of the road, water bars, and appropriate sloping to minimize runoff.

DESCRIPTION OF EXISTING CULTIVATION LOCATIONS

There was **18,462** sf of existing prior to 2016 cannabis canopy made up of **seven** greenhouses in 3 distinct areas of the property.

Cultivation Area	Cultivation Building	Pre- 2016 canopy (sf)
1	EC1	2,440
	EC2	2,176
	EC3	5,430
	EC7	1,200
2	EC4	1920
	EC5	4960
3	EC6	336
	TOTAL	18,462

No cultivation sites are located within 600 feet from any School, School bus stop, Church or other place of worship, Public Park, or Tribal Cultural Resource.

No cultivation sites are within 300 feet of any off-site residences.

Existing Cultivation Area 1: Existing Cultivation Buildings ("EC") 1-3, 7 - 11,246 sf

EC7 - Current Propagation - 60' x 20' - 1,200 sf / Historic Flowering Greenhouse - EC1 - Current Flowering Greenhouse - 80' x 30.5' - 2,440 sf EC2 - Current Flowering Greenhouse - 68' x 32' - 2,176 sf EC3 - Current Flowering Greenhouse - 203' x 26.75' - 5,430 sf

This site is located in the Northwest section of the parcel; the nearest parcel boundary is located over 187' West. These greenhouses use 100% solar energy to power fans. The site also has a backup generator for emergency use only, a Honda 7000, which emits approx. 60 decibels when in use. This generator is not audible at the nearest parcel boundary and is not stored on the property.

When the interim permit was issued for this project in 2018, Humboldt County Planning mistakenly did not include EC7 as existing flowering canopy. To stay in compliance with the interim permit, the Applicant has been using this building as a nursery and propagation space. This area should be included as existing flowering canopy as part of this permit.

The Applicant proposes relocating the canopy areas of EC2, EC3, and EC7. Removal and relocation of EC2 is required by California Department of Fish and Wildlife ("CDFW") as part of No. EPIMS-07442-RQ. For the relocation and restoration plans, see "Cultivation Relocation and Site Restoration" section.

Existing Cultivation Area 2: EC4 - EC5 - 6,880 sf

EC4 - Current Flowering Greenhouse - 96' x 20' - 1920 sf EC5 - Current Flowering Greenhouse - 100' x 50' (-40sf) - 4960 sf

This site is located in the North section of the parcel; the nearest parcel boundary is located over 300' Northwest. These greenhouses use 100% solar energy to power fans. The site also has a back-up generator for emergency use only, a Honda 7000, which emits approx. 60 decibels when in use. This generator is not audible at the nearest parcel boundary and is not stored on the property.

The Applicant proposes relocating the cultivation area of EC4 and the portion of EC5 to fix problematic historic grading issues. Based on professional evaluation, proper grading and vegetation cannot be achieved with the current cultivation configuration. For relocation and restoration plans, see "Cultivation Relocation and Site Restoration" section.

Existing Cultivation Area 3: EC7 - 336 sf

EC67- Current Propagation/ Historic Flowering Greenhouse - 24' x 14' - 336 sf

This site is located in the North section of the parcel; the nearest parcel boundary is located approximately 146' North. The greenhouse uses 100% solar energy to power electric fans. It

also has lights powered by the same generator, a Honda 3000, that supplies energy to the nearby house. This generator emits approx. 57-65 decibels while operating. This generator is not audible at the nearest parcel boundary and is not stored on the property.

When the interim permit was issued for this project in 2018, Humboldt County mistakenly did not include EC6 as existing flowering canopy. To stay in compliance with the interim permit, the Applicant has been using this building as a nursery and propagation space. This building should be included as existing flowering canopy as part of this permit.

The Applicant proposes relocating the cultivation area of EC6. For relocation and restoration plans, see "Cultivation Relocation and Site Restoration" section.

CULTIVATION RELOCATION AND SITE RESTORATION

The Applicant proposes relocating **16,022 sf** of cultivation canopy area. This area is proposed to be moved to the southwestern existing meadow. This relocation is supported by CDFW, engineers, and biologists who have visited the parcel.

Cultivation Building	Relocated Flowering Canopy (sf)
EC1	0
EC2	2,176
EC3	5,430
EC4	1920
EC5	4,960
EC6	336
EC7	1200
TOTAL	16,022

The meadow is an environmentally superior cultivation site due to its appropriate distance away from watercourses and naturally flat contours. The relocation site shall require minimal grading and is located out of environmental setbacks. The proposed relocation site has been evaluated for acceptable setbacks in respect to the archeological survey and cultural resources. The Applicant shall ensure any and all mitigation measures are met.

The proposed relocation site will minimize environmental impacts from cultivation infrastructure such as water lines and backup generator use. It is located in close proximity to

the onsite well, and is an ideal location for a future PG&E power drop. Centralized cultivation shall also minimize onsite traffic.

A full restoration plan for the retired cultivation areas will be developed by a qualified professional biologist approved by CDFW and a professional engineer. At minimum, the restoration plan shall include restoring natural and historic grade contours and revegetation of native plants. The Applicant shall submit developed revegetation plans to CDFW for review and approval prior to restoration.

PROPOSED ANCILLARY NURSERY

The Applicant proposes adding up to 1840 sf of ancillary nursery and propagation area 640 sf to be located in the southeast meadow proposed cultivation relocation vicinity and 1200 sf to remain in the existing EC7 area. Total proposed nursery is Approximately 10% of flowering cultivation.

Proposed Nursery Space (sf)		
PP1	640	
PP2	1200	
TOTAL	1840	

CULTIVATION ACTIVITY SCHEDULE

Cultivation on the property occurs between March and October/November each year with no cultivation activity on the property from December through February.

Historically, lights were used in the greenhouses to extend daylight. This practice has paused as of 2018 and all cultivation greenhouses do not currently use lights. The Applicant would like to retain land use entitlement to use lights in the future.

The Applicant will comply with the International Dark Sky Association standards by using blackout tarps to ensure little to no light escapes from 30 minutes before sunset to 30 minutes after sunrise.

ACTIVITY FOR ALL GREENHOUSES

May - October, 2 harvests

March-April: Plants are added in smart pots or beds

May: Plant growth is maintained; tarps are used for light manipulation.

June: Plant growth is maintained; light manipulation with tarps is continued.

July: Plants are harvested, and greenhouses are replanted

Aug: Last of early plants are harvested and replanted, plant growth is maintained

September: Plant growth is maintained

October: Plants are harvested November: Plants are harvested

MATERIAL STORAGE

FUEL

When present on site, all fuel is stored in 5-gallon tanks and kept in a secondary containment unit at all times. Fuel is only brought on-site if needed for the emergency generator and is not present most of the time.

FERTILIZERS

All fertilizers are natural and permitted for use in organic farming. These don't require any special safety requirements. All fertilizer is brought on-site as needed and used imediatleey, No stores of fertilizer are kept on-site. The exact amounts and types of fertilizers may vary slightly from season to season but are estimated to be approximately the following:

Fertilizer	N-P-K	Amount
Nature's Pride Veg	2-6-6	1600 lbs
Nature's Pride Bloom	2-5.5-5.5	3000 lbs
Compost Tea	varies	1000 gallons

PESTICIDES/ FUNGICIDES

The Applicant primarily controls pests with predator insects. Lost Coast Plant Therapy (soy oil, peppermint essential oil, and citric acid) is used as needed.

RODENTICIDES

None

HERBICIDES

None

WATER USE

WATER SOURCE

Water for cultivation irrigation is currently sourced from rainwater catchment and a permitted well. The Humboldt County Well Permit and Well Completion Report have been provided. In 2023, a hydrologic isolation assessment was performed by Lindberg Geologic Consulting and has been provided to the county. This report found the well has a low likelihood of being hydrologically connected to nearby surface waters.

WATER STORAGE

Water collected from rainwater catchment is currently stored in 25 water tanks with a combined capacity of 95,800 gallons. Gutters on all buildings feed into the rainwater catchment system. One, 2,500 gallon tank located at cultivation area 2 has been designated and reserved for SRA Fire Safety.

IRRIGATION PLAN

Irrigation is by gravity fed pipe. All irrigation of cannabis is done by hand to ensure each plant receives proper water. Each greenhouse is evaluated for water need daily, some days requiring no water. Over-watering of cannabis decreases plant productivity.

PROJECTED USE

Maximum use of 2,200 gallons per day for agricultural purposes. The Applicant installed water meters in 2017 to measure actual use. This is the maximum per day, most days the actual use will be less. In 2019, total annual water use for this project was 340,010 gallons. In 2020, total annual water use for this project was 392,260.

DRAINAGE AND DISCHARGE

Including runoff and erosion controls:

All cultivation sites are relatively flat (less than 5% slope). Water is used sparingly in each greenhouse to ensure maximum productivity. No water runoff leaves the greenhouses. These conditions prevent discharge and erosion.

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

The Applicant enrolled with North Coast Regional Water Quality Board under Order No. R1-2015-0023 in 2017. In 2019, the Applicant switched to enrollment under Statewide Cannabis Order WQ 2019-0001-DWQ and received a Notice of Applicability (Attachment C).

DETAIL OF MEASURES TAKEN TO ENSURE PROTECTION OF WATERSHED AND NEARBY HABITAT

All cultivation occurs on naturally occurring flat areas so minimal grading was required to create a less than 5% slope

The Applicant considers himself a steward of the land and uses best management practices when making all decisions that could impact wildlife habitat. Local water quality and wildlife experts have been consulted.

ENERGY USE

This project employs solar power to run ventilation fans in the greenhouses. The project currently uses eight (8) solar panels, a 4000-watt inverter, and eight (8) L16 batteries. The site also utilizes a backup generator for emergency use only, a Honda 3000, which emits approximately 50 to 57 decibels when in use and is not audible at the nearest parcel boundary. This generator is not stored on-site as is only brought on-site if needed.

SECURITY PLAN

There are gates at all entrances/access points to the property and these gates remain locked at all times. At least one person is present on the property at all times. There are dogs present for added security.

PROCESSING PLAN

Plants are harvested when the growing season has ended, this date changes yearly based on weather patterns but is typically in July and October. Plants are hung and dried in the dry shed located on-site. Once dried, plants are cut and stored in sanitized bins.. All further trimming or processing shall be done off-site by a licensed processor.

There are no employees on-site, all cultivation, harvesting, and bucking is conducted by the Applicant.





