



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: March 17, 2022

To: Humboldt County Planning Commission

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

Subject: **Eubanks Farms, LLC Conditional Use Permit and Special Permit**
Record Number PLN-12443-CUP
Assessor's Parcel Number (APN) 220-081-012
575 Eubanks Road, Whitethorn, CA 95589

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Please contact Alec Barton, Planner (Harris & Associates) at 435-851-4003 or by email at alec.barton@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date March 17, 2022	Subject Conditional Use Permit and Special Permit	Contact Alec Barton
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Project Description: Eubanks Farms, LLC seeks a Conditional Use Permit (PLN-12443-CUP) for an existing 15,600 square feet (SF) of outdoor cannabis cultivation in eight (8) greenhouses and one (1) full-sun outdoor cultivation area, and a Special Permit for work within the Streamside Management Area (SMA) for culvert replacement and crossing upgrades, as recommended by the Site Management Plan. Plants are propagated at a licensed nursery offsite.

Irrigation water is sourced from a point of diversion (POD) on an unnamed spring which is a tributary to Eubank Creek (Stafslien Spring #3, or Primary POD). Estimated annual water use is 162,500 gallons (10.4 gal/SF). Water is stored in twenty (20) 5,000-gallon tanks, six (6) 4,500-gallon tanks, one (1) 2,500-gallon tank, and one (1) 1,350-gallon tank. Total water storage is 130,850 gallons.

Drying and processing occur onsite in two sheds (500 SF and 425 SF). Up to five (5) employees are required for project operations. The primary source of electrical power is a 45-kW generator.

Project Location: The project area is located on the north and south sides of Eubanks Road, approximately 1.12 miles west from the intersection of Ettersburg-Honeydew Road and Eubanks Road, in the Ettersburg area in southern Humboldt County.

Present Plan Land Use Designations: Residential Agriculture (RA), 2017 General Plan; Density: 40 acres per unit; Slope Stability: Moderate Instability (2)

Present Zoning: Unclassified (U)

Record Number: PLN-12443-CUP

Assessor's Parcel Number: 220-081-012

Applicant	Owner	Agents
Eubanks Farms, LLC 575 Eubanks Road Whitethorn, CA 95589	Joseph Stafslie PO Box 167 Whitethorn, CA 95589	Northpoint Consulting Group, Inc. 1117 Samoa Blvd Arcata, CA 95521

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.

Eubanks Farms, LLC

Record Number: PLN-12443-CUP

Assessor's Parcel Number: 220-081-012

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 Conditional Use Permit; and
3. Approve the Eubanks Farms, LLC Conditional Use Permit and Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary Eubanks Farms, LLC seeks a Conditional Use Permit (PLN-12443-CUP) for an existing 15,600 square feet (SF) of outdoor cannabis cultivation in eight (8) greenhouses and one (1) full-sun outdoor cultivation area, and a Special Permit for work within the Streamside Management Area (SMA) for culvert replacement and crossing upgrades, as recommended by the Site Management Plan. Plants are propagated at a licensed nursery offsite.

The site is zoned as Unclassified (U) as defined in the Humboldt County 2017 General Plan Update. Drying and processing occur onsite in two sheds (500 SF and 425 SF). Up to five (5) employees are be required for project operations. The primary source of electrical power is a 45-kW generator. The primary use of generator power is not allowed to occur beyond December 31, 2024. To ensure that generator use is not extended beyond this date, the project has been conditioned to either connect to a utility or have an alternative source of power prior to January 1, 2025 (**Condition 9**).

Water Resources

Irrigation water is sourced from a point of diversion (POD) on an unnamed spring which is a tributary to Eubank Creek (Stafslie Spring #3, or Primary POD). Estimated annual water use is 162,500 gallons (10.4 gal/SF). Water is stored in twenty (20) 5,000-gallon tanks, six (6) 4,500-gallon tanks, one (1) 2,500-gallon tank, and one (1) 1,350-gallon tank. Total water storage is 130,850 gallons. The project area is located within the Mattole River watershed.

A Site Management Plan (SMP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2017-0023-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1B171364CHUM). The SMP was prepared jointly for the subject parcel and an adjacent parcel (220-072-008) under the same ownership. The subject parcel includes Eubank Creek, a Class I stream, and two (2) unnamed Class II streams. There are a total of five (5) stream crossings within the project boundary. The applicant seeks a Special Permit for work within the Streamside Management Area (SMA) for culvert replacement and crossing upgrades, as recommended by the SMP.

The SMP identifies the following recommendations and corrective actions on access roads and ATV trails, to bring the project into compliance with SWRCB policies and reduce the erosive impacts of cultivation (**Condition 10**).

- Improve ATV Trails 1 and 2 to reduce the impacts of erosion and sediment delivery to nearby watercourses. Decommission a 500-foot section of ATV Trail 2.
- Apply rock to bare surfaces of all access roads to reduce the impacts of erosion.

- Maintain and improve all existing water bars and rolling dips on ATV trails by clearing them of sediment buildup.
- Decommission two (2) stream crossings (STX-4 and STX-5). Excavate crossings to natural channel gradient and set channel banks back at a 2:1 ratio. Recontour the road prism to match natural topography.
- Install a gate at the top of ATV Trail 2 to discourage non-residents from accessing the trail.
- Remove non-native soils, potting soils, and woody debris at disturbed site SD-1. Recontour the site to a stable gradient. Reseed fill slope and cover in mulch.
- Grade and recontour disturbed site SD-2 to a stable gradient. Reseed fill slope and cover in mulch.
- Pull back loose and eroded sediment from an area marked "Rut" in the SMP and compact it back into the ATV trail surface. Install rolling dips uphill of the Rut to cut off surface runoff from the ATV trail.
- Remove the undersized culvert at stream crossing STX-1 and replace it with an 18-inch culvert.
- Replace the ford at STX-2 with an 18-inch culvert.
- Remove the undersized culvert at STX-3 and replace it with a 48-inch culvert.
- Install rock check dams in inboard ditches on ATV Trail 2.
- Implement winterization, maintenance, reporting, and construction sediment control measures per the specifications of the SMP.

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2018-0515-R1). The LSAA addresses eight (8) project encroachments, including three (3) points of diversion from unnamed tributaries to Eubank Creek (PODs 1-3) and five (5) stream crossings (Crossings 1-5). The LSAA requires the following actions be completed no later than July 1, 2024, to address failing culverts (**Condition 11**).

- Install an armored fill crossing at Crossing 1.
- Replace the failing 18-inch culvert at Crossing 2 with a new minimum 18-inch culvert.
- Permanently remove and discontinue the use of Crossings 3, 4 and 5. Excavate each crossing to natural channel gradient and set channel banks back at a 2:1 ratio. Implement erosion control BMPs to stabilize and revegetate exposed soils surfaces.
- Install an armored fill crossing at the location indicated by Lat/Long 40.0938, -123.9704.

The LSAA also identifies the following specific recommendations and corrective actions to offset potential impacts to waterways within the area (**Condition 12**).

- Document all activities that occur within waterways at the project site.
- All work shall be confined to the dry weather period, from June 15 through October 15 of each year.
- Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
- Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
- The maximum instantaneous diversion rate from any point of diversion (POD) shall not exceed three (3) gallons per minute.
- The applicant shall bypass 90% of flow at all times at all PODs.
- No more than 300 gallons in any one day from all PODs combined shall be diverted cumulatively between April 1 and July 15 of each year.
- No more than 200 gallons shall be diverted in any one day from POD 1 between July 16 and October 31 of each year.
- No water shall be diverted from PODs 2-3 between July 16 and October 31 of each year.
- Work shall be completed by no later than July 1, 2024, and notification of completion shall be provided to California Department of Fish and Wildlife (CDFW) within seven (7) days of project completion.

Biological Resources

A list of potential special status species was generated in December 2021 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). Two (2) special status species appear within two (2) miles of the project area. The foothill yellow-legged frog, a state-listed endangered species, is located approximately 6,900 feet from the project area. The summer-run steelhead trout, a candidate for state-endangered status, is found within the Mattole River, approximately 7,900 feet from the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the relatively small size of the project area and the type of proposed activities. Therefore, project impacts to biological resources are considered low and unlikely, with implementation of the mitigation measures identified in the CMMLUO Mitigated Negative Declaration (MND) adopted on January 26, 2016.

Tribal Cultural Resources Coordination

A cultural resources investigation was prepared by William Rich, M.A., RPA, of William Rich and Associates (February 2018). The report identified no cultural resources within the project area or a one-quarter mile buffer of the project area. No ethnographically-described Native American sites are located in the vicinity of the project area. Consultation letters were sent to Native American groups associated with the project area, including the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. Erika Cooper, the Tribal Historic Preservation Officer for the Bear River Band of the Rohnerville Rancheria, requested to be notified if cultural resources were identified.

The report recommended establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. The standard Inadvertent Discovery Protocol will be used to protect artifacts or remains that may be discovered during project work (**Condition 13**).

Timberland Conversion Evaluation Report

Approximately 0.63 acre of land at the project area was converted from timberland to cultivation area without appropriate permits. A Timberland Conversion Evaluation Report (TCER) was prepared by Timberland Resource Consultants (January 24, 2020) to address unpermitted conversion areas and potentially recommend corrective actions at three (3) sites within the project area: Site 1 (0.36 acre converted), Site 2 (0.11 acre), and Site 3 (0.16 acre). No conversion areas were documented within watercourse and lake protection zones (WLPZs) or within a riparian buffer. Chris Carroll, the registered professional forester who prepared the report, recommended no corrective actions at any of the converted sites within the project area.

Access

The project area is located on the north and south sides of Eubanks Road, approximately 1.12 miles west from the intersection of Ettersburg-Honeydew Road and Eubanks Road, in the Ettersburg area in southern Humboldt County. Using forms provided by Humboldt County Department of Public Works (DPW), the applicant evaluated a 1.1-mile segment of Eubanks Road and 0.65-mile segment of Ettersburg-Honeydew Road, and found both roads to be developed to the equivalent of a road category 4 standard. DPW recommended standard conditions of approval related to driveway and private road intersections and visibility (**Conditions 14 and 15**).

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in January 2022 by the County. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) adopted for the Commercial Medical Marijuana Land Use Ordinance on January 26, 2016. Accordingly, staff has prepared an addendum to this document for consideration by the Planning Commission. See **Attachment 2** for more information.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined 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. The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 86 permits and the total approved acres would be 41.95 acres of cultivation.

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

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP) and Special Permits (SP).

RECOMMENDATION: Based on a review of Planning and Building Department reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP) and Special Permit (SP).

ALTERNATIVES: The Planning Commission could elect 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 22-

Record Number PLN-12443-CUP

Assessor's Parcel Number: 220-081-012

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Eubanks Farms, LLC Conditional Use Permit and Special Permit.

WHEREAS, Eubanks Farms, LLC applied for Conditional Use Permit PLN-12443-CUP for an existing 15,600 square feet (SF) of outdoor cannabis cultivation, with appurtenant drying and processing activities, and a Special Permit for work within the Streamside Management Area (SMA);

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 the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **March 17, 2022**, and reviewed, considered, and discussed the application for the requested Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit (PLN-12443-CUP) for an existing 15,600 square feet (SF) of outdoor cannabis cultivation, with appurtenant drying and processing activities, and a Special Permit for work within the Streamside Management Area (SMA) for culvert replacement and crossing upgrades, as recommended by the Site Management Plan (SMP). The primary source of electrical power is a 45-kW generator. Irrigation water is sourced from a point of diversion on an unnamed spring which is tributary to Eubank Creek (Stafslien Spring #3, or Primary POD).

EVIDENCE: a) Project File: PLN-12443-CUP

- 2. FINDING:** **CEQA.** The CEQA requirements have been met. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the CMMLUO adopted by the Humboldt County Board of Supervisors on January 26, 2016.

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

 b) The 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 December 2021 using the following information systems: California Natural Diversity Database

(CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). Two (2) special status species appear within two (2) miles of the project area. The foothill yellow-legged frog, a state-listed endangered species, is located approximately 6,900 feet from the project area. The summer-run steelhead trout, a candidate for state-endangered status, is found within the Mattole River, approximately 7,900 feet from the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, project impacts to biological resources are considered low and unlikely, with implementation of the mitigation measures identified in the CMMLUO MND adopted on January 26, 2016.

- d) A Site Management Plan (SMP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2017-0023-DWQ. The project is historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for reporting of Tier 2 discharges (WDID No. 1B171364CHUM). The recommendations and corrective actions identified in the SMP are included in **Condition 10**.
- e) A cultural resources investigation was prepared by William Rich, M.A., RPA, of William Rich and Associates (February 2018). The report identified no cultural resources within the project area or a one-quarter mile buffer of the project area. No ethnographically-described Native American sites are located in the vicinity of the project area. Consultation letters were sent to Native American groups associated with the project area, including the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. Erika Cooper, the Tribal Historic Preservation Officer for the Bear River Band of the Rohnerville Rancheria, requested to be notified if cultural resources were identified. The report recommended establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. The standard Inadvertent Discovery Protocol will be used to protect artifacts or remains that may be discovered during project work (**Condition 13**).

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

3. FINDING

The project 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 cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The project is not located within any riparian setbacks or streamside management areas.

- 4. FINDING** The project is consistent with the purposes of the existing Unclassified (U) zoning designation in which the site is located.
- EVIDENCE:**
- a) The U zone is applied to all unincorporated areas of the County not otherwise zoned. General agriculture, including the cultivation of cannabis, is a principal permitted use in this zoning district.
 - b) Humboldt County Code section 313-106.6 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 a total of 15,600 SF of outdoor cannabis cultivation on a 41-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 314-55.4.6.2.1)
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was recorded via grant deed with Humboldt County on December 17, 1996.
 - c) Irrigation water is sourced from a point of diversion on an unnamed spring which is tributary to Eubank Creek (Stafslien Spring #3, or Primary POD). Estimated annual water use is 162,500 gallons (10.4 gal/SF). Water is stored in twenty (20) 5,000-gallon tanks, six (6) 4,500-gallon tanks, one (1) 2,500-gallon tank, and one (1) 1,350-gallon tank. Total water storage is 130,850 gallons.
 - d) The slope of the land where cannabis will be cultivated is less than 15%.
 - e) The cultivation of cannabis will not result in additional conversion of timberland. Approximately 0.63 acre of timberland was converted to cultivation area. A Timberland Conversion Evaluation Report (TCER) was prepared by Timberland Resource Consultants to address unpermitted conversion. The report included no recommendations or corrective actions at converted sites.
 - 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, public park, or Tribal Cultural Resource.
- 6. FINDING** The cultivation of 15,600 SF of 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) All access roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2017-0023-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. To ensure that roads meet this condition, the applicant shall implement the recommendations and corrective actions identified in the SMP for access roads, ATV trails and crossings to bring the project into

compliance with SWRCB policies and reduce erosion (**Condition 10**).

- b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water is sourced from a point of diversion on an unnamed spring which is tributary to Eubank Creek (Stafslie Spring #3, or Primary POD). Estimated annual water use is 162,500 gallons (10.4 gal/SF). Water is stored in twenty (20) 5,000-gallon tanks, six (6) 4,500-gallon tanks, one (1) 2,500-gallon tank, and one (1) 1,350-gallon tank. Total water storage is 130,850 gallons.
- e) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. Post-project monitoring and reporting shall be conducted annually and submitted by January 31 of each year and shall comply with the requirements of the NCRWQCB (**Condition B.15**).

7. FINDING

The project 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 contains one (1) existing residential unit. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential units onsite.

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:

The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 86 permits and the total approved acres would be 41.95 acres of cultivation.

DECISION

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

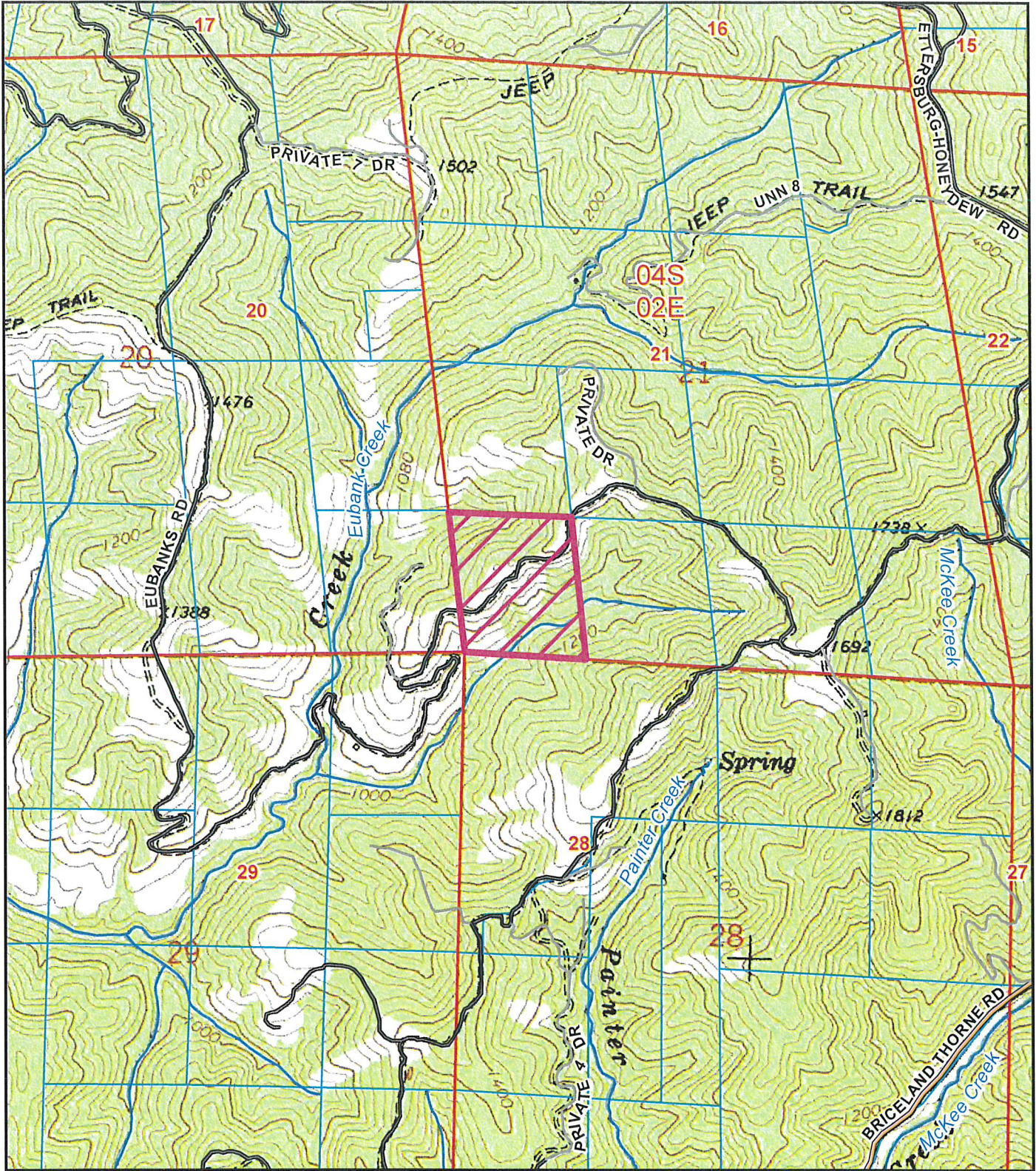
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (PLN-12443-CUP) and Special Permit for Eubanks Farms, LLC based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on **March 17, 2022**.


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

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

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

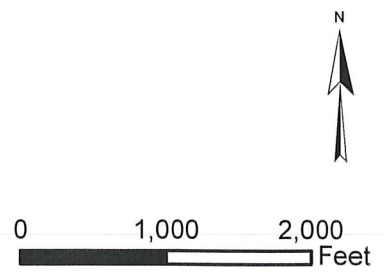
 John Ford, Director
 Planning and Building Department

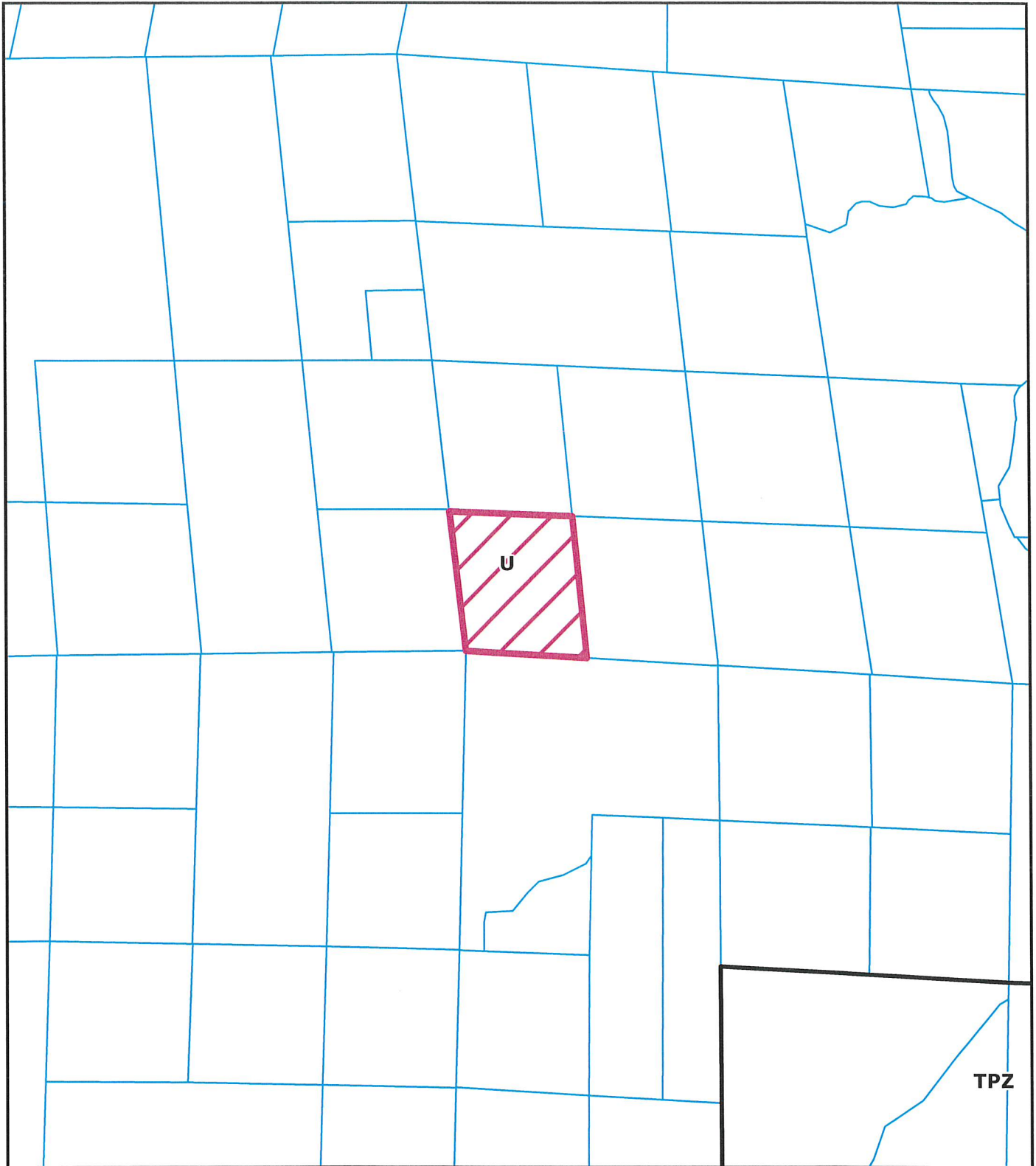


Project Area = 

TOPO MAP
PROPOSED EUBANKS FARMS, LLC
BRICELAND AREA
CUP-16-690
APN: 220-081-012
T04S R02E S21 HB&M (BRICELAND)

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





Project Area = 

**ZONING MAP
PROPOSED EUBANKS FARMS, LLC
BRICELAND AREA
CUP-16-690
APN: 220-081-012
T04S R02E S21 HB&M (BRICELAND)**

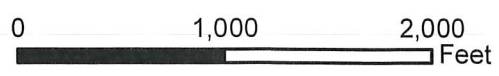


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**AERIAL MAP
 PROPOSED EUBANKS FARMS, LLC
 BRICELAND AREA
 CUP-16-690
 APN: 220-081-012
 T04S R02E S21 HB&M (BRICELAND)**

Project Area = 



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EUBANKS FARMS, LLC CONDITIONAL USE PERMIT

APN: 220-081-012



DIRECTIONS TO SITE:
FROM EUREKA, CA
 -HEAD SOUTH ON US-101 (APPROX. 6.3 MILES)
 -TAKE EXIT 642 FOR REDWOOD DR
 -CONTINUE ONTO REDWOOD DR. (APPROX. 1.8 MILES)
 -TURN RIGHT ONTO BRICELAND THORN RD. (APPROX. 1.0 MILES)
 -STRAIGHT ONTO ETTERSBERG RD. (APPROX. 0.7 MILES)
 -TURN LEFT ONTO EUBANKS RD. (APPROX 1.2 MILES TO SITE)

PROJECT SITE

VICINITY MAP
 NOT TO SCALE

PROJECT DESCRIPTION:

EUBANKS FARMS, LLC IS PROPOSING TO PERMIT EXISTING COMMERCIAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO) ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 15,533 SQUARE FEET (SF) OF OUTDOOR CANNABIS CULTIVATION AREA. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, FACILITIES FOR DRYING & CURING OF COMMERCIAL CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

GENERAL NOTES:

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. MANHARD CONSULTING LTD. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
- THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE CULTIVATION AREAS.
- ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT.

DEPARTMENT OF FISH AND WILDLIFE

EUBANKS FARMS, LLC HAS APPLIED FOR A LAKE AND STREAMBED ALTERATION AGREEMENT (LSAA) WITH THE GDFW THAT COVERS THE EXISTING WATER DIVERSIONS AND WATER CROSSINGS. (AGREEMENT NO. 1600-2018-0515-R1)

STATE WATER BOARD AND NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

EUBANKS FARMS, LLC HAS ENROLLED WITH THE STATE WATER BOARD (SWB) FOR COVERAGE AS A TIER 2, HIGH RISK DISCHARGER, UNDER ORDER WQ 2019-0001-DWO (PREVIOUSLY NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER WQ 2017-0023-DWO). A SITE MANAGEMENT PLAN HAS BEEN DEVELOPED BY NORTHPOINT CONSULTING GROUP AND IS KEPT ONSITE. (WDID# 1_1CC418459)

STATE WATER RESOURCES CONTROL BOARD

WATER FOR CANNABIS CULTIVATION IS PROVIDED BY AN EXISTING 150-FT DEEP WELL AND SUPPLEMENTED BY SURFACE DIVERSION FROM A SPRING ON AN UNNAMED TRIBUTARY TO EUBANK CREEK. THE SPRING ALSO PROVIDES THE RESIDENCE WITH DOMESTIC WATER. THE APPLICANT HAS FILED INITIAL STATEMENTS WITH SWB FOR THE POINTS OF DIVERSION (POD) FOR THE SPRING AND WELL. A SMALL DOMESTIC USE REGISTRATION (SDUR) WILL BE APPLIED FOR THE SPRING DIVERSION, FOR DOMESTIC USES. A SMALL IRRIGATION USE REGISTRATION (SIUR) HAS BEEN APPLIED FOR AND APPROVED BY THE SWRCB:
 -REGISTRATION: H504929
 -CERTIFICATE: H100397

DATE	REVISION
12/15/19	TO INCLUDE EXISTING AND PROPOSED CULTIVATION
01/15/20	ARRANGEMENT PROPOSED SRA FIRE RISK AND EXISTING FIRE SUPPRESSION TANK

NORTHPOINT CONSULTING GROUP, INC.
 1117 Samoa Blvd., Arcata, CA 95521

EUBANKS FARMS, LLC / APN: 220-081-012
 575 EUBANKS RD., WHITEHORN
 CUP PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJ. NO.: 2019
 DRAWN BY: CC
 DATE: 12/15/19
 SCALE: AS SHOWN
 SHEET: C0
 18-078

PROJECT INFORMATION:

APPLICANT:
 EUBANKS FARMS, LLC
 P.O. BOX 167
 WHITE THORN, CA 95589

PROPERTY OWNER:
 JOSEPH STAFSLIEN
 P.O. BOX 167
 WHITE THORN, CA 95589

OWNERS AGENT:
 NORTHPOINT CONSULTING GROUP, INC
 1117 SAMOA BLVD.
 ARCATA, CA 95521
 (707) 798-6438

SITE ADDRESS:
 APN: 220-081-012
 575 EUBANKS RD
 WHITE THORN, CA 95589

TREES TO BE REMOVED = NONE
 EXISTING CULTIVATION AREA = 15,600 SF
 EARTHWORK QUANTITIES = TBD

WATER = PRIVATE
 SEWER = PRIVATE

PARCEL SIZE = ±41.17 ACRES

ZONING: = U (UNCLASSIFIED)
 GENERAL PLAN DESIGNATION = AL40 (FRWK)

BUILDING SETBACKS:

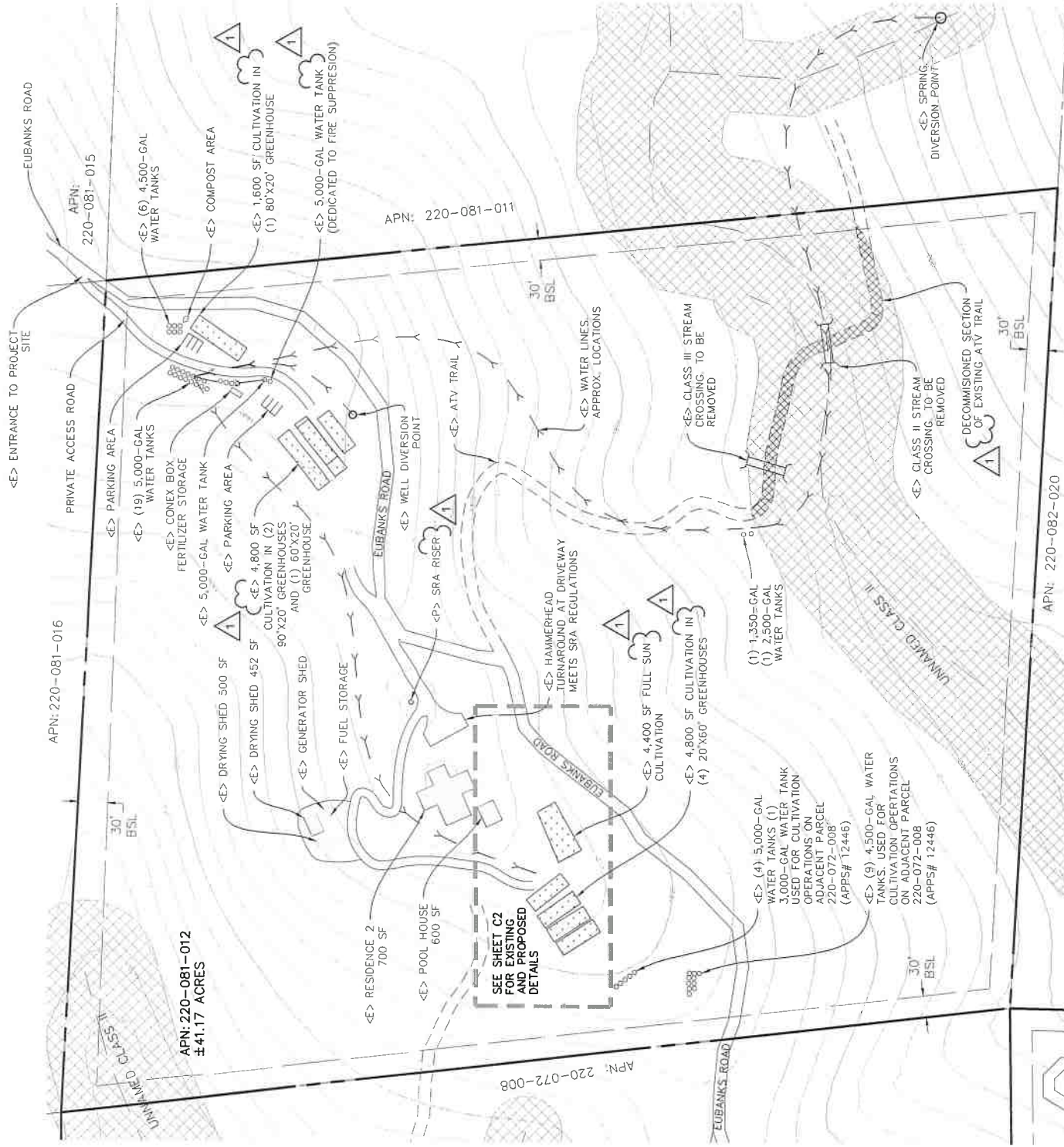
	U	SRA
FRONT	20'	30'
SIDE	5'	30'
REAR	10'	30'

MAX. BLDG. HT. = NONE SPECIFIED

SRA AREA:
 IN COASTAL ZONE = YES
 IN 100 YR FLOOD ZONE = NO

SHEET INDEX:

- C0 - CUP PLOT PLAN, VICINITY MAP, & PROJECT NOTES
- C1 - CULTIVATION SETBACKS
- C2 - EXISTING AND PROPOSED SITE PLANS



PLOT PLAN

22x34 SHEET: 1"=100'
 11x17 SHEET: 1"=200'

EUBANKS FARMS, LLC CULTIVATION SETBACKS

APN: 0220-081-012



CULTIVATION SETBACKS

22x34 SHEET: 1"=75'
11x17 SHEET: 1"=150'



SHEET INDEX:

- C0 - CUP PLOT PLAN, VICINITY MAP, & PROJECT NOTES
- C1 - CULTIVATION SETBACKS
- C2 - EXISTING AND PROPOSED SITE PLANS

DATE	12/16/19	REVISION	TO INCLUDE EXISTING AND PROPOSED CULTIVATION
			ARRANGEMENT, PROPOSED SRA FIRE
			RRISE, AND
			EXISTING FIRE SUPPRESSION TANK.
DRAWN BY			

NORTHPOINT
CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

EUBANKS FARMS, LLC / APN: 220-081-012
575 EUBANKS RD., WHITEHORN
CULTIVATION SETBACKS

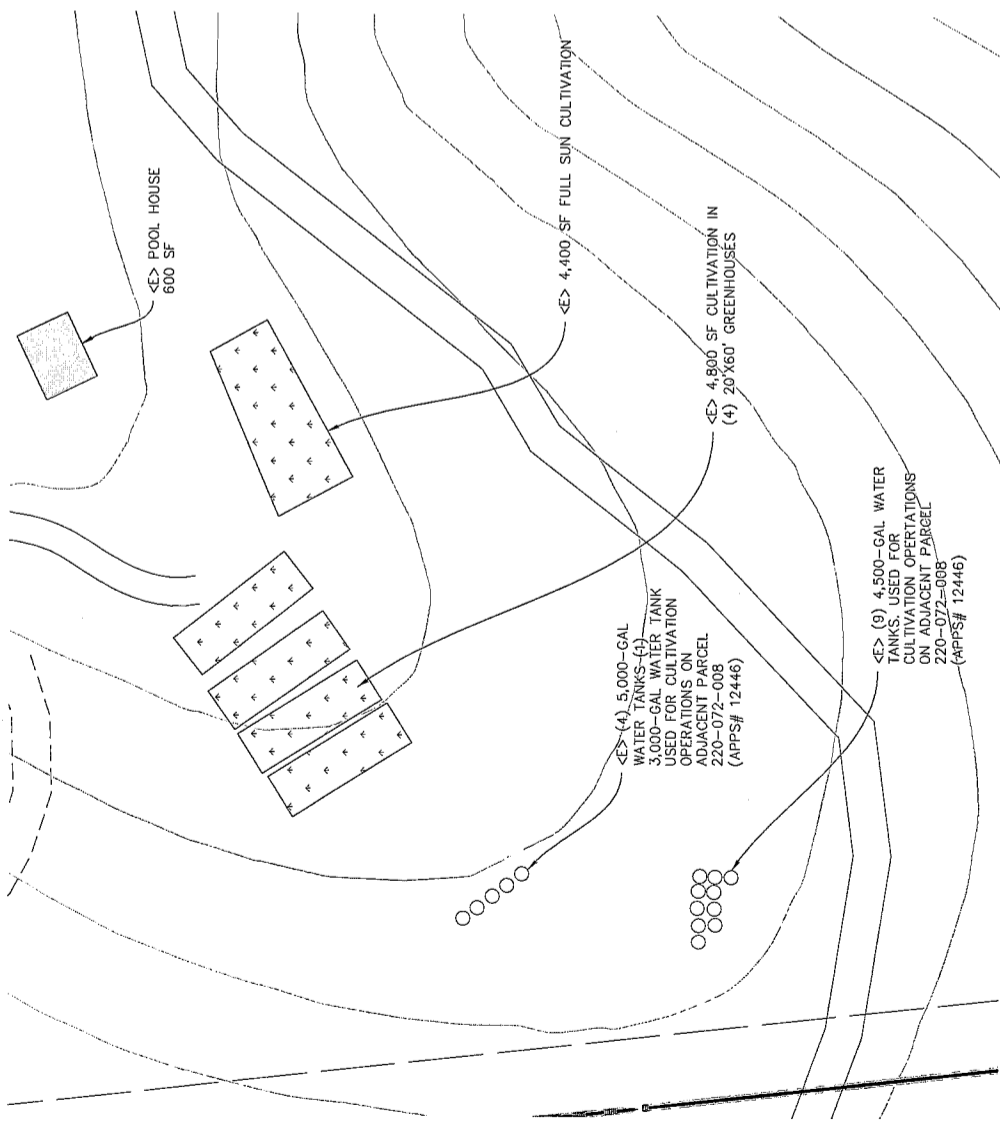
PROJ. NO.: E019
DRAWN BY: CC
DATE: 12/16/19
SCALE: AS SHOWN
SHEET
C1
18-078

EUBANKS FARMS, LLC EXISTING AND PROPOSED SITE PLANS

APN: 220-081-012

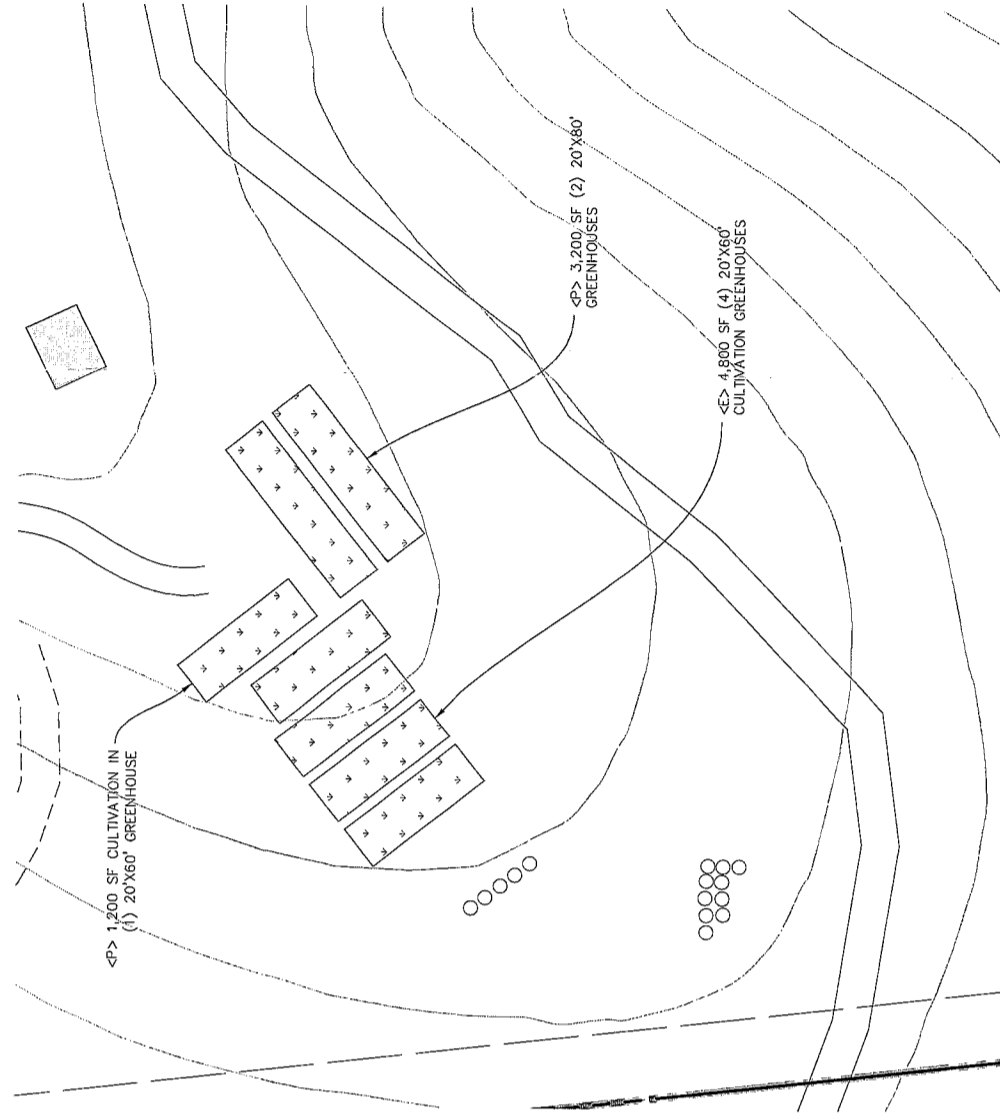
SHEET INDEX:

- C0 - CUP PLOT PLAN, VICINITY MAP, & PROJECT NOTES
- C1 - CULTIVATION SETBACKS
- C2 - EXISTING AND PROPOSED SITE PLANS



**EXISTING
SITE PLAN**

22x34 SHEET: 1"=40'
11x17 SHEET: 1"=80'



**PROPOSED
SITE PLAN**

22x34 SHEET: 1"=40'
11x17 SHEET: 1"=80'



NO.	DATE	REVISIONS
1	12/16/19	ARRANGING PROPOSED SUN RISER, AND EXISTING FIRE SUPPRESSION TANK
2		TO INCLUDE EXISTING AND PROPOSED CULTIVATION
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NORTHPOINT
CONSULTING GROUP, INC.
1117 Samoa Blvd., Arcata, CA 95521

EUBANKS FARMS, LLC / APN: 220-081-012
575 EUBANKS RD., WHITEHORNS
EXISTING AND PROPOSED SITE PLANS

PROJECT NO.: 2019-001
DRAWN BY: CC
DATE: 12/16/19
SCALE: AS SHOWN

C2

18-078

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 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 #20. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.

8. The applicant shall obtain permits for structures and associated onsite wastewater treatment systems (OWTS) from the Humboldt County Department of Environmental Health (DEH) within three (3) months of project approval.
9. The applicant shall discontinue use of the generator as a primary power source by December 31, 2024 and have in place an alternative primary power source by January 1, 2025.
10. The applicant shall comply with the recommendations and corrective actions outlined in the Site Management Plan (SMP) prepared by NorthPoint Consulting Group (August 2019):
 - a. Improve ATV Trails 1 and 2 to reduce the impacts of erosion and sediment delivery to nearby watercourses. Decommission a 500-foot section of ATV Trail 2.
 - b. Apply rock to bare surfaces of all access roads to reduce the impacts of erosion.
 - c. Maintain and improve all existing water bars and rolling dips on ATV trails by clearing them of sediment buildup.
 - d. Decommission two (2) stream crossings (STX-4 and STX-5). Excavate crossings to natural channel gradient and set channel banks back at a 2:1 ratio. Recontour the road prism to match natural topography.
 - e. Install a gate at the top of ATV Trail 2 to discourage non-residents from accessing the trail.
 - f. Remove non-native soils, potting soils, and woody debris at disturbed site SD-1. Recontour the site to a stable gradient. Reseed fill slope and cover in mulch.
 - g. Grade and recontour disturbed site SD-2 to a stable gradient. Reseed fill slope and cover in mulch.
 - h. Pull back loose and eroded sediment from an area marked "Rut" in the SMP and compact it back into the ATV trail surface. Install rolling dips uphill of the Rut to cut off surface runoff from the ATV trail.
 - i. Remove the undersized culvert at stream crossing STX-1 and replace with an 18-inch culvert.
 - j. Replace the ford at STX-2 with an 18-inch culvert.
 - k. Remove the undersized culvert at STX-3 and replace with a 48-inch culvert.
 - l. Install rock check dams in inboard ditches on ATV Trail 2.
 - m. Implement winterization, maintenance, reporting, and construction sediment control measures per the specifications of the SMP.
11. The applicant shall comply with the recommendations and corrective actions outlined in the Lake and Streambed Alteration Agreement (LSAA Notification No. 1600-2018-0515-R1), to be completed no later than July 1, 2024:
 - a. Install an armored fill crossing at Crossing 1.
 - b. Replace the failing 18-inch culvert at Crossing 2 with a new, minimum 18-inch culvert.
 - c. Permanently remove the culverts and discontinue use of Crossings 3, 4, and 5. Excavate each crossing to natural channel gradient and set channel banks back at a 2:1 ratio. Implement erosion control best management practices (BMPs) to stabilize and revegetate exposed soil surfaces.
 - d. Install an armored fill crossing at the location indicated by Lat/Long 40.0938, -123.9704.
12. The applicant shall comply with the following requirements outlined in the LSAA.
 - a. Document all activities that occur within waterways at the project site.
 - b. All work shall be confined to the dry weather period, from June 15 through October 15 of each year.
 - c. Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
 - d. Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
 - e. The maximum instantaneous diversion rate from any point of diversion (POD) shall not exceed three (3) gallons per minute.
 - f. The applicant shall bypass 90% of flow at all times at all PODs.
 - g. No more than 300 gallons in any one day from all PODs combined shall be diverted

- cumulatively between April 1 and July 15 of each year.
- h. No more than 200 gallons shall be diverted in any one day from POD 1 between July 16 and October 31 of each year.
 - i. No water shall be diverted from PODs 2-3 between July 16 and October 31 of each year.
13. The applicant shall implement the Inadvertent Discovery Protocol. In the event that historical artifacts or human remains are encountered during any activities within the project area, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the project area for all further activities.
 14. 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 Humboldt County Department of Public Works (DPW) prior to commencement of any work in the county maintained right-of-way. If the county road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the county road. This condition shall be completed to the satisfaction of DPW prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.
 15. COUNTY ROADS – DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY: All driveways and private road intersections onto the county road shall be maintained in accordance with County Code Section 341-1 (sight visibility ordinance). This condition shall be completed to the satisfaction of DPW prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.
 16. The applicant shall contact the Telegraph Ridge 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.
 17. 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.
 18. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
 19. Per the recommendation of Telegraph Ridge Fire Department, the applicant shall provide employee fire safety training.
 20. The applicant shall comply with the recommendations of the California Department of Fish and Wildlife (CDFW) referral dated July 3, 2018, as follows:
 - a. Leave wildlife unharmed. If any wildlife are encountered during authorized activities, the applicant shall not disturb the wildlife and allow the wildlife to leave the work site unharmed.
 - b. All refuse shall be contained in wildlife-proof storage containers at all times and disposed of at an authorized waste management facility.

- c. All generators and fans associated with the project shall be contained within noise containment structures. Noise shall not exceed 50 decibels measured from 100 feet of the source.

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 (NSO) 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 NSO 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 be 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. The use of synthetic netting for purposes of erosion control is prohibited. To minimize the risk of wildlife entrapment, the applicant shall not use any erosion control 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. When 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 Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and 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 MAUCRSA, 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
 - 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. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

Informational Notes:

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

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

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

ATTACHMENT 2
CEQA ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICAL MARIJUANA LAND USE
ORDINANCE

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

APN 220-081-012; 575 Eubanks Road, Whitethorn, CA 95589
County of Humboldt

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

January 2022

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

The modified project involves a Conditional Use Permit (PLN-12443-CUP) for an existing 15,600 square feet (SF) of outdoor cannabis cultivation in eight (8) greenhouses and one (1) full-sun outdoor cultivation area. Plants are propagated at a licensed nursery offsite. Drying and processing occur onsite in two sheds (500 SF and 425 SF). Up to five (5) employees are required for project operations. The primary source of electrical power is a 45-kW generator. The primary use of generator power is not allowed to occur beyond December 31, 2024. To ensure that generator use is not extended beyond this date, the project has been conditioned to either connect to a utility or have an alternative source of power prior to January 1, 2025 (**Condition 9**).

Irrigation water is sourced from a point of diversion (POD) on an unnamed spring which is tributary to Eubank Creek (Stafslie Spring #3, or Primary POD). Estimated annual water use is 162,500 gallons (10.4 gal/SF). Water is stored in twenty (20) 5,000-gallon tanks, six (6) 4,500-gallon tanks, one (1) 2,500-gallon tank, and one (1) 1,350-gallon tank. Total water storage is 130,850 gallons. The project area is located within the Mattole River watershed.

A Site Management Plan (SMP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2017-0023-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1B171364CHUM). The SMP was prepared jointly for the subject parcel and an adjacent parcel (220-072-008) under the same ownership. The subject parcel includes Eubank Creek, a Class I stream, and two (2) unnamed Class II streams. There are a total of five (5) stream crossings within the project boundary.

The SMP identifies the following recommendations and corrective actions on access roads and ATV trails, to bring the project into compliance with SWRCB policies and reduce the erosive impacts of cultivation (**Condition 10**).

- Improve ATV Trails 1 and 2 to reduce the impacts of erosion and sediment delivery to nearby watercourses. Decommission a 500-foot section of ATV Trail 2.
- Apply rock to bare surfaces of all access roads to reduce the impacts of erosion.
- Maintain and improve all existing water bars and rolling dips on ATV trails by clearing them of sediment buildup.
- Decommission two (2) stream crossings (STX-4 and STX-5). Excavate crossings to natural channel gradient and set channel banks back at a 2:1 ratio. Recontour the road prism to match natural topography.
- Install a gate at the top of ATV Trail 2 to discourage non-residents from accessing the trail.
- Remove non-native soils, potting soils, and woody debris at disturbed site SD-1. Recontour the site to a stable gradient. Reseed fill slope and cover in mulch.
- Grade and recontour disturbed site SD-2 to a stable gradient. Reseed fill slope and cover in mulch.
- Pull back loose and eroded sediment from an area marked "Rut" in the SMP and compact it back into the ATV trail surface. Install rolling dips uphill of the Rut to cut off surface runoff from the ATV trail.
- Remove the undersized culvert at stream crossing STX-1 and replace it with an 18-inch culvert.
- Replace the ford at STX-2 with an 18-inch culvert.
- Remove the undersized culvert at STX-3 and replace it with a 48-inch culvert.
- Install rock check dams in inboard ditches on ATV Trail 2.
- Implement winterization, maintenance, reporting, and construction sediment control measures per the specifications of the SMP.

A Lake and Streambed Alteration Agreement (LSAA) has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (Notification No. 1600-2018-0515-R1). The LSAA addresses eight (8) project encroachments, including three (3) points of diversion

from unnamed tributaries to Eubank Creek (PODs 1-3) and five (5) stream crossings (Crossings 1-5). The LSAA requires the following actions be completed no later than July 1, 2024, to address failing culverts (**Condition 11**).

- Install an armored fill crossing at Crossing 1.
- Replace the failing 18-inch culvert at Crossing 2 with a new minimum 18-inch culvert.
- Permanently remove and discontinue the use of Crossings 3, 4 and 5. Excavate each crossing to natural channel gradient and set channel banks back at a 2:1 ratio. Implement erosion control BMPs to stabilize and revegetate exposed soils surfaces.
- Install an armored fill crossing at the location indicated by Lat/Long 40.0938, -123.9704.

The LSAA also identifies the following specific recommendations and corrective actions to offset potential impacts to waterways within the area (**Condition 12**).

- Document all activities that occur within waterways at the project site.
- All work shall be confined to the dry weather period, from June 15 through October 15 of each year.
- Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
- Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
- The maximum instantaneous diversion rate from any point of diversion (POD) shall not exceed three (3) gallons per minute.
- The applicant shall bypass 90% of flow at all times at all PODs.
- No more than 300 gallons in any one day from all PODs combined shall be diverted cumulatively between April 1 and July 15 of each year.
- No more than 200 gallons shall be diverted in any one day from POD 1 between July 16 and October 31 of each year.
- No water shall be diverted from PODs 2-3 between July 16 and October 31 of each year.
- Work shall be completed by no later than July 1, 2024, and notification of completion shall be provided to California Department of Fish and Wildlife (CDFW) within seven (7) days of project completion.

A list of potential special status species was generated in December 2021 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). Two (2) special status species appear within two (2) miles of the project area. The foothill yellow-legged frog, a state-listed endangered species, is located approximately 6,900 feet from the project area. The summer-run steelhead trout, a candidate for state-endangered status, is found within the Mattole River, approximately 7,900 feet from the project area. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the relatively small size of the project area and the type of proposed activities. Therefore, project impacts to biological resources are considered low and unlikely, with implementation of the mitigation measures identified in the CMMLUO Mitigated Negative Declaration (MND) adopted on January 26, 2016.

A cultural resources investigation was prepared by William Rich, M.A., RPA, of William Rich and Associates (February 2018). The report identified no cultural resources within the project area or a one-quarter mile buffer of the project area. No ethnographically-described Native American sites are located in the vicinity of the project area. Consultation letters were sent to Native American groups associated with the project area, including the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. Erika Cooper, the Tribal Historic Preservation Officer for the Bear River Band of the Rohnerville Rancheria, requested to be notified if cultural resources were identified.

The report recommended establishing protocols to protect cultural resources and/or human remains

which may be discovered inadvertently during project work. The standard Inadvertent Discovery Protocol will be used to protect artifacts or remains that may be discovered during project work (**Condition 13**).

Approximately 0.63 acre of land at the project area was converted from timberland to cultivation area without appropriate permits. A Timberland Conversion Evaluation Report (TCER) was prepared by Timberland Resource Consultants (January 24, 2020) to address unpermitted conversion areas and potentially recommend corrective actions at three (3) sites within the project area: Site 1 (0.36 acre converted), Site 2 (0.11 acre), and Site 3 (0.16 acre). No conversion areas were documented within watercourse and lake protection zones (WLPZs) or within a riparian buffer. Chris Carroll, the registered professional forester who prepared the report, recommended no corrective actions at any of the converted sites within the project area.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO, which were intended to mitigate impacts of existing cultivation.

Summary of Significant Project Effects and Required Mitigation

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the continued operation of 15,600 square feet (SF) of existing outdoor cannabis cultivation is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by North Point Consulting Group, Inc., dated 12/16/2019 and received 2/18/2020
- Cultivation and Operations Manual prepared by North Point Consulting Group, Inc., dated December 2019 and received 2/18/2020
- Lake and Streambed Alteration Agreement (Notification No. 1600-2018-0515-R1), dated 7/1/2019 and received 12/7/2018
- Site Management Plan prepared by North Point Consulting Group, Inc., dated August 2019 and received 12/7/2019
- Cultural Resources Investigation prepared by William Rich and Associates, dated February 2018 and received 12/7/2018
- County Department of Public Works Road Evaluation Report, dated 8/24/2018 and received 12/7/2018
- Timberland Conversion Evaluation Report prepared by Timberland Resource Consultants, dated 1/24/2020 and received 2/18/2020

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, Eubanks Farms, LLC would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported.

FINDINGS

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

CONCLUSION

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

Attachment 3
Application Report of Findings

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

1. The name, contact address, and phone number(s) of the applicant. **(On file)**
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. **(On file)**
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by North Point Consulting Group, Inc., dated 12/16/2019 and received 2/18/2020 – **Attached**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by North Point Consulting Group, Inc., dated December 2019 and received 2/18/2020 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. **(On file)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above - **Attached**)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(On file)**
8. If any onsite or offsite component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife on February 18, 2020 (LSAA Notification No. 1600-2018-0515-R1). **(On file)**
9. If the source of water is a well, a copy of the County well permit, if available. **(Not applicable)**
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal

Fire. (Timberland Conversion Evaluation Report prepared by Timberland Resource Consultants, dated 1/24/2020 and received 2/18/2020 - **Attached**)

11. Consent for onsite 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. 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**)
13. 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**)
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (**On file**)

**EUBANKS FARMS, LLC
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**PROPOSED COMMERCIAL CANNABIS
CULTIVATION FACILITIES**



PREPARED FOR:



Updated December 2018

Proposed Commercial Cannabis Cultivation Facilities

APN # 220-081-012

Apps # 12443

Lead Agency:

Humboldt County Planning Department

3015 H Street

Eureka, CA 95501

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Updated December 2018

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- Appendix B: Cultivation Activities Schedule
- Appendix C: Regulated Products Resource List
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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Eubanks Farms, LLC is proposing to permit existing commercial cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit for approximately 15,600 ft² of existing outdoor commercial cannabis cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including greenhouses, a cultivation facility for drying and curing of commercial cannabis, water diversion works, and appropriate water storage. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The site is located at 575 Eubanks Rd., Whitethorn, CA 95589 (APN 220-081-012), in the headwaters of the Mattole River watershed. The rural subject parcel is approximately 41.17 acres in size (*Humboldt County WebGIS*) and is located in southwest Humboldt, about 7.8 miles north of Whitethorn. To reach the site from Eureka, take US-101 south for about 63.2 miles to Redway. Take exit 642 onto Redwood Dr. and follow the road into Redway, then turn right at Briceland Thorn Rd. Travel on Briceland Thorn Rd. for about 10 miles and lean right onto Ettersburg Rd., then travel about another 0.7 miles to Eubanks Rd and turn left. Travel down Eubanks Rd. for about a mile and hang right at the fork in the road. The entrance to the subject parcel is about another mile down, on the right side. The site coordinates are Latitude 40.0930° and Longitude -123.9678°.

The property is about 2.2 miles up Eubank Creek at an elevation of approximately 1,380 ft. above mean sea level. Eubank Creek is a tributary to the Mattole River, which is home to two threatened salmonid species and is listed as an impaired waterbody for excessive sedimentation/siltation and temperature under Section 303(d) of the Clean Water Act. The surrounding landscape consists of open prairie and mixed Douglas Fir/hardwoods, with slopes ranging from stable ridgetops to 17-25% hillslopes. The climate is characterized by warm, dry summers and cool winters. The average annual precipitation is around 38 inches. The subject parcel is mostly forested, with a tributary to Eubank Creek flowing west across the southeast corner. The property is developed with a single-family residence, outbuildings, cultivation areas, roads, and associated waterworks that are situated in the central part of the parcel.

1.3. LAND USE

The subject property has a Land Use designation of Agricultural Lands (AL40) as described in the Humboldt County General Plan – Volume 1, Framework Plan (FWRK), and is zoned as Unclassified (U). Surrounding properties are designated Unclassified (U) and Timber Production Zone (TPZ) (*Humboldt County WebGIS*).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Eubanks Farms, LLC has applied for four (4) Cannabis Cultivation Temporary Licenses: one (1) Specialty Cottage Mixed-Light Tier 1 License, one (1) Specialty Mixed-Light Tier 1 License, and one (1) Small Mixed-Light Tier 1 license. Identical Annual license applications have been submitted and are pending approval from the the California Department of Food and Agriculture, CalCannabis Cultivation Licensing Division. Although Eubanks Farms, LLC has applied for "Mixed-Light" type licenses at the state level, no supplemental lighting is used on flowering plants (only light deprivation).

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for Cannabis cultivation is provided by a surface diversion from a spring that flows to an unnamed tributary to Eubank Creek and is supplemented by a 150-ft deep well. The spring also provides the residence with domestic water. The spring diversion has been assigned Initial Statement of Diversion of Use (ISDU) #S026733, and the well has been assigned ISDU #S026916. The well has a Well Completion Report on file with Humboldt County. A Small Domestic Use Registration (SDUR) will be applied for the spring diversion. A Small Irrigation Use Registration (SIUR) has been applied for and is awaiting final approval by the SWRCB (Registration ID: H504929).

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Eubanks Farms, LLC has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB), for coverage under Tier 2 of *Order No. 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID#1B171364CHUM). An initial Notice of Intent to Enroll and Monitoring and Reporting Program form were submitted upon enrollment for 2016, and an Annual Report was submitted for 2017.

Joseph Stafslieen will transition to coverage under State Water Resources Control Board General Order WQ 2017-0023-DWQ *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities* by July 1, 2019. A Water Resources Protection Plan / Site Management Plan hybrid document to satisfy both the state and regional order has been developed by NorthPoint Consulting Group, Inc and is being implemented on-site.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit. The existing infrastructure consists of a 2,700 ft² residence, a 600 ft² pool house, 280 ft² tool shed, 96 ft² generator shed, two drying/processing sheds (500 ft² and 425 ft²), 864 ft² shop, and eleven (11) greenhouses totalling 15,600 ft² of cultivation area.

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. The property owner will complete any improvements required by the CA Department of Forestry and Fire Protection (Cal Fire) to meet SRA requirements, such as designating a fire turn-around and pull-out area for emergency vehicles, management of trees and vegetation around existing structures to maintain the required 100-foot defensible space, and the installation of a 2,500-gallon water tank with a riser to SRA specifications. All structures on the property meet the 30-foot SRA setback requirement from property lines.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

NorthPoint Consulting has developed a Lake and Streambed Alteration Notification for the CDFW that covers the existing water diversions and water crossing (Notification #1600-2018-0515). The County will be provided with a copy of the LSAA once it is finalized by CDFW.

1.4.7. CULTURAL RESOURCES

A Cultural Resources Survey has been conducted and finalized by Bill Rich. 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, groundstone 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.

2. CULTIVATION AND PROCESSING

2.1. NURSERY PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are propagated from onsite ‘mother plants’ that demonstrate the desired genetics for the specific cannabis strain. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium called oasis cubes to produce clones. The clones are planted into 5.5” pots in a greenhouse and transplanted directly into garden beds after 2-3 weeks. The juvenile plants are irrigated using hand watering methods.

2.2. CULTIVATION SOIL

The cultivation potting soil is Aurora Innovations Formula 707. It is amended and fertilized as needed, using a mix of Stutsman’s Chicken Manure, ground oyster shells, and a general fertilizer (listed in Section 3.7). Spent potting soil is kept in garden beds and reused each year. Amendments are tilled in at the start of each vegetative cycle and new potting soil is added as needed.

2.3. CULTIVATION PLAN AND SCHEDULE

Cultivation will occur in eleven (11) greenhouses (GH) for a total area of approximately 15,600 ft² of cultivation area. All of the existing greenhouses are the “Low Profile Quonset” design made by Oregon Valley Greenhouses Inc. They consist of heavy-gauge steel pipe, Poly Carbonate centers, 2 x 4 lumber ends, and are covered with woven poly-film. Each GH is ventilated by pulling up the film as needed.

The applicant utilizes light deprivation techniques in the GHs to produce up to two flowering cycles per year. Black out plastic tarps are pulled over the GHs to shorten the daylight hours, which induces flowering. The monthly cultivation schedule in Appendix B details the cultivation activities associated with light deprivation for a typical two-cycle year.

2.4. IRRIGATION PLAN AND SCHEDULE

Young plants are hand-watered as needed. Depending on the growth stage, temperature, and relative humidity, they’re typically watered once every 1-4 days. Watering amounts range from 0.2-0.4 liters. Adult plants are watered via drip emitters. They’re typically watered every other day, depending on the same parameters as when they are young. Watering amounts range from 0.5-1 gallon per square foot per watering. The monthly cultivation schedule in Appendix B details the irrigation activities associated with all cultivation.

2.5. HARVESTING AND DRYING

Plants that are ready for harvest have their flowering branches removed and suspended in two existing drying sheds that are equipped with ventilation fans. The drying process takes approximately 5-10 days, at which time the dried plants will be packaged and transported offsite to a licensed processing facility. Any waste plant material generated during this process will be composted on-site in a designated location.

2.6. EMPLOYEE PLAN

Eubanks Farms 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.

2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

Staffing will be required as shown in the table below.

Table 2.6.1: Monthly Staffing Requirements												
Agent in Charge		Responsible for business oversight and management. Responsibilities include: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors. This position will be filled by the owner.										
<i>Part Time</i>												
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	
	1	1	1	1	1	1	1	1	1	1		
Lead Cultivator		Oversight and management of daily cultivation activities. Responsibilities include: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities.										
<i>Full Time</i>												
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	
		1	1	1	1	1	1	1	1	1		
Laborer		Provides cultivation, harvesting, and drying support. Three full-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation and harvest seasons. During the peak harvest season, there are an estimated total of three laborers on site.										
<i>Full Time</i>												
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	
			3	3	3	3	3	3	3			

2.6.2. STAFFING REQUIREMENTS

In addition to the *Agent in Charge* and *Lead Cultivator* positions which are held by the owner, up to three full-time seasonal labor positions are filled. The number of seasonal laborers varies based on the needs of the farm during the cultivation and harvest seasons. During the peak harvest and processing season, there are an estimated total of five (5) employees on site.

2.7.2 EMPLOYEE TRAINING AND SAFETY

On-site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure, as well as proper application and storage of pesticides and fertilizers. All cultivation and

harvesting staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation and drying facilities are limited to authorized and trained staff.

All personnel 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, and 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 personnel or contractors.

2.6.3. TOILET AND HANDWASHING FACILITIES

The applicant is planning to install bathroom facilities in the existing shop building located on adjacent parcel (220-072-008), also owned by the applicant. The shop building will include one ADA-compliant restroom with a working flush toilet and a hand-washing station with soap, towels, and hot and cold running water. The applicant is in the process of permitting and installing the septic system for the building. Employees will work at a distance typically less than 500 feet from the restroom facility.

2.6.4. HOUSING AND PARKING

The existing single family residence is occupied by the Agent in Charge/property owner and family. Seasonal laborers will live off-site and commute to the property from the nearby community of Redway, approximately 12 miles away. The residence is near the cultivation areas but is separate from the cultivation operations. No new residential structures are proposed as a part of this project. Employees will have parking spaces near the greenhouses (as designated on the Plot Plan in Appendix A).

2.7. SECURITY PLAN AND HOURS OF OPERATION

2.7.1. FACILITY SECURITY

The site of operations is in a very rural and isolated landscape, where the entrance to the property is just off the main dirt road and has a closed security gate. The gate remains locked at all times and access is limited exclusively to property owner and personnel. All entrances will have motion activated security lights and cameras that are part of a property-wide surveillance system, if required. All lighting will be designed and located so that direct rays are confined to the property.

2.7.2. HOURS OF OPERATION

Hours and days of operation are as shown in the tables below. Additional details may be found in Appendix B in the cultivation and activities schedule.

Table 2.7.2a. Daily Hours of Operation											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
			8-6	8-6	8-6	8-6	8-6	8-6	8-6		

Table 2.7.2b. Weekly Days of Operation											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
			7	7	7	7	7	7	7	7	

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

Water for Cannabis cultivation is provided by a surface diversion from a spring that flows to an unnamed tributary to Eubank Creek and is supplemented by a 150-ft deep well. The spring also provides the residence with domestic water. The applicant has filed Initial Statements with the State Water Resources Control Board (SWRCB) for the Points of Diversion (POD) for the spring and well. A Small Domestic Use Registration (SDUR) will be applied for the spring diversion. A Small Irrigation Use Registration (SIUR) has been applied for and is awaiting final approval by the SWRCB.

Eubanks Farms utilizes water management strategies to conserve onsite water and applies water at agronomic rates to achieve net zero discharge.

Table 3.1 below outlines the estimated water usage for cultivation and domestic purposes during a typical year. Variables such as weather conditions and specific Cannabis strains will have a slight effect on water use. The irrigation needs for the entire 16,600 ft² of cultivation for one year is estimated to be approximately 254,995 gallons; however, this may be an over estimate. The domestic needs for the onsite residence is estimated to be approximately 146,000 gallons. Eubanks Farms will install water meters in 2018, and will report their annual water usage to the SWRCB, NCRWQCB, and CDFW.

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total (gallons)
Domestic	12,400	11,200	12,400	12,000	12,400	12,000	12,400	12,400	12,000	12,400	12,000	12,400	146,000
Irrigation	2,500	2,500	2,500	35,145	35,000	35,000	35,000	40,000	35,000	27,350	2,500	2,500	254,995

3.2. WATER STORAGE

Currently, water storage is shared between the subject parcel and the adjacent property to the west (APN 220-072-008), also owned by the applicant. The current total storage capacity for all cultivation on the subject parcel (APN: 220-081-012) is 107,350 gallons, contained in a series of plastic tanks.

Water from the spring is pumped to the series of storage tanks and is then gravity fed down to the cultivation areas. Water from the groundwater well is used directly at cultivation area. Also, if required by Cal-Fire, a 2,500-gallon water tank may be installed to comply with SRA fire protection requirements. See the site plan in Appendix A for water storage details.

3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Eubanks Farms, LLC has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB), for coverage under Tier 2 of *Order No. 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID#1B171364CHUM). A Water Resources Protection Plan (WRPP) / Site Management Plan (SMP) hybrid document has been developed by NorthPoint Consulting Group and will be implemented utilizing best management practices (BMP's) in accordance with the NCRWQCB and the SWRCB's recommendations for activities associated with onsite cultivation. The drainage and

erosion control measures described below will be referenced in the SMP. Specific measures for properly maintaining site drainage, runoff and erosion control is covered in the SMP.

3.3.1. SITE DRAINAGE AND RUNOFF

The site is moderately sloped and surface flow drains mostly toward the northwest into a tributary to Eubank Creek. The existing cultivation areas are located outside of stream setbacks and riparian zones. There are two stream crossings on the site that are recommended to be removed. The crossings will have their culverts removed, and be entirely decommissioned. The LSA Notification prepared by NorthPoint Consulting Group details all instream work to be performed under the agreement with CDFW.

The main road that leads to the residence is in good condition and much of the road network is rocke. Any bare road surfaces will be rocked to prevent surface erosion. The lower elevation road that leads to the spring Point of Diversion requires maintenance and the installation of rolling dips to prevent continued erosion. A section of the road, where it crosses an unnamed class II water course, is to be decommissioned and fully restored to natural conditions. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP/SMP.

3.3.2. EROSION CONTROL

The WRPP/SMP includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. It also includes corrective actions to reduce sediment delivery, including but not limited to the construction of rolling dips and inboard ditches on roads, appropriately storing cultivation materials and disposing of waste, and maintaining robust riparian zones.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the WRPP/SMP ensures that the watershed and surrounding habitat are protected. The cultivation areas and associated structures are more than 150 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMPs in accordance with the NCRWQCB's recommendations.

Fertilizers and pesticides are being stored in a storage shed with secondary containment to prevent them from entering surface waters. Cultivation areas are being irrigated at agronomic rates so that no runoff is produced, and soil and spoil piles are properly stored outside of riparian areas. Specific measures for properly maintaining site drainage and runoff will be covered in the WRPP/SMP.

3.5. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the WRPP/SMP 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 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. A monitoring plan is included in the WRPP /SMP.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or another 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 stormwater runoff.
- Following any rainfall event with an intensity of 3 inches of precipitation within 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 (Order No. 2015-0023) will be submitted upon initial enrollment in the Order (NOI) and an Annual Report will be submitted annually by March 31 to the Regional Water Board. The annual report includes data from the monitoring reports and updates on the water use and which standard conditions are being met.

3.6. ENERGY AND GENERATOR USE

The site is located off-grid. Electricity for domestic purposes is provided by an existing 4,500-watt solar array, and supplemented by a 45kW diesel generator. The generator is also used to power the drying buildings at 4 hrs/day during the drying process. The generator has a secondary containment apparatus built-in to contain any spills. The generator is located away from the property boundary to ensure the noise level does not exceed 60 decibels at the property line. The applicant follows all guidelines set up by Humboldt County and the State of California when using the generator. In the future, the applicant intends to expand the solar system to cover all electricity needs and phase out generator use. Table 3.6 below outlines monthly generator use.

Generator	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
45kW							4			4		

(Generator is used to supplement 4,500-watt solar array)

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. BEST MANAGEMENT PRACTICES

Best Management Practices (BMPs) are employed when storing, handling, mixing, application, and disposal of all fertilizers, pesticides, fungicides, chemicals, and petroleum products. All liquid products are in a locked storage room and contained within water tight, labeled containers in accordance with manufactures instruction. Dry soil and fertilizer products are immobilized and temporarily stored in a designated area while being used in cultivation areas. Excess product is saved in a storage shed for later use. Application rates will be tracked and reported with the end of the year monitoring report that is required in the WRPP/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. The WRPP/SMP includes complete BMP specifications for the use and storage of regulated products.

3.7.2. FERTILIZERS

The following table is a list the nutrients and supplements used for cultivation.

Type/Brand	Quantity Used Annually*	Frequency/ Rate of Application (Depends on growth stage)

Stutzman Farms Sup'r Green Chicken Manure	450 lbs.	Half of annual amount applied twice/year
Down to Earth Oyster Shell flour	165 lbs.	Half of annual amount applied twice/year
General Hydroponics FloraGro	60 gallons	1.5-5 ml/gallon, once/week
Aurora Innovations Roots Organics Formula 707 potting soil	330-1,660 ft. ³	once/yr., mixed in as needed

*Quantity used annually is an approximation based on available data.

See Appendix C - *Regulated Products Resource List* for product details.

3.7.3. PESTICIDES AND FUNGICIDES

The following table is a list of pesticides and fungicides used for cultivation.

Table 3.7.3. Pesticides and Fungicides		
Type/Brand	Quantity Used Annually* (gallons/year)	Frequency/ Rate of Application (Depends on growth stage)
Old Stage Green Cleaner	2	0.5 oz./gallon, once/month

*Quantity used annually is an approximation based on available data.

A list of all pesticides and fungicides will be provided to the NCRWQCB during annual reporting. All products will conform to the California Department of Pesticide Regulation registration and use requirements for pesticide use on Cannabis. They are stored in the storage shed with secondary containment. See Appendix C for product details.

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

Trash and recycling containers are located inside a locked shed that has secondary containment. The containers are situated to prevent stormwater contamination and leachate from entering or percolating to receiving waters solid waste and recycling is hauled off-site to the Eel River Resource Recovery Redway transfer station at least once per week.

3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are chipped and composted in a designated area identified on the plot plan. The broken-down materials will be mulched back into the beds. To minimize soil waste, soil is reused in the greenhouse beds each season and topped off as needed. Any excess soil will be covered and immobilized using sediment control BMPs to prevent it from entering surface waters. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

3.8.3. WASTEWATER MANAGEMENT

There are two unpermitted septic systems on this property: one for the residence and one for the pool house. The residence has a 700-gallon concrete tank and leach field; the pool house has a 500-gallon plastic tank with an infiltrator leach field. The system will be inspected by a septic professional and will be improved if necessary for permitting through the Department of Health and Human Services.

Irrigation wastewater will be managed through Best Management Practices and water management to achieve an entirely closed-cycle irrigation and nutrient system, fully eliminating cultivation wastewater. The use of drip irrigation minimizes water use, and hand watering for fertigation minimizes subsequent runoff.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled and will include tracking ID's provided by the County of Humboldt Cal Origin system and the California Cannabis Track-and-Trace (CCTT) Metrc systems.

4.2. PRODUCT INVENTORY AND TRACKING

Eubanks Farms, LLC will follow all applicable track and trace systems, including the statewide CCTT-Metrc system and the county SiIPCA Cal Origin system, as required. At a County level, the applicant will comply with the Cal Origin system will utilize the provided traceable stamps with QR codes provided by the County to each package until otherwise directed. On a statewide level, after approval of Journey Aquarian's annual license, unique identifiers (UIDs) will be assigned to each immature lot, flowering plants, and/or distinct cannabis product. Eubanks Farms, LLC will complete the state-provided training before utilizing the CCTT-Metrc system.

4.3. 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 commercial 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 addresses
- Time of departure and arrival

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

APPENDIX A: SITE PLAN

APPENDIX B: CULTIVATION ACTIVITIES SCHEDULE

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization (storage of pots/greenhouse covers)												
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc)												
	Road maintenance												
	Culvert and inboard ditch maintenance/inspection												
	Cultivation waste hauled off site												
Irrigation Activities	Cover soil beds and seed/straw with cover crop												
	Irrigation of juvenile plants /clones												
Pre-cultivation Activities	Irrigation of flowering plants												
	Transplant cuttings into 5" pots												
	Transplant clones into beds												
	Amend soil in greenhouses and/or indoor cultivation building												
Light Deprivation Cultivation and Harvest Schedule	Light Dep Cycle 1												
	Light Cycle 2												
	Harvest activities												
Outdoor Cultivation and Harvest	Light deprivation: Greenhouses are covered with blackout covers												
	Outdoor Cultivation Cycle												
Drying and Curing	Harvest activities												
	Drying activities												
Staffing Presence	Agent in Charge (Owner)												
	Seasonal Laborers												

APPENDIX C: REGULATED PRODUCTS LIST

C.1. Fertilizers

1. Aurora Innovations Roots Organics Formula 707
<http://www.aurorainnovations.org/formula-707.html>
2. Down to Earth Oyster Shell flour
<http://downtoearthfertilizer.com/products/single-ingredients/oyster-shell/>
3. General Hydroponics FloraGro
<http://generalhydroponics.com/floraseries>
4. Stutzman Farms Sup'r Green Chicken Manure
<http://www.stutzman-environmental.com/fert-supgreen.php>

C.2. Pesticides/Fungicides

1. Old Stage Green Cleaner
<https://www.centralcoastgarden.com/products/green-cleaner/>

APPENDIX D: REFERENCES

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January 24, 2020

Eubanks Farms, LLC
Attention: Joseph Stafslie
P.O. Box 167
Whitethorn, CA 95589

Re: APN 220-081-012
Application #12443

The following is an evaluation of potential timberland conversion on cannabis cultivation sites and associated areas included in the Humboldt County Cannabis Application #12443. Please accept this letter as the RPF's written report required by Humboldt County Code, Ordinance No. 2559 (Commercial Medical Marijuana Land Use), Section 55.4.12.2.4 as cited below.

"Where existing or proposed operations occupy sites created through prior unauthorized conversion of timberland, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall circulate the report to CAL-FIRE for review and comment."

Timberland Resource Consultants (TRC) inspected and evaluated the cultivation sites and associated areas contained within the application on January 15, 2020. The RPF exercised due diligence in reviewing all sites and available resources to fully assess potential timberland conversion and consequential impacts. This report evaluates the cultivation sites and associated areas for timber operations only. The scope of this report does not include: all other land alteration (such as grading, construction, and other permit-regulated activities), all property features and sites unrelated to cultivation activities, or any proposed, planned, or absent cultivation-related project sites. All findings are summarized in the report below.

Project Location

APN: 220-081-012

Acreage: 41 acres

Legal Description: SW ¼ of SW ¼ of Section 21
Township 4 South, Range 2 East,
Humboldt Base & Meridian, Humboldt County

Located on USGS 7.5' Quadrangle: Briceland

Humboldt County Zoning: Unclassified

Site Address: 575 Eubanks Road, Whitethorn

Landowner/Timber Owner: Joseph Stafslie

The project is located in Humboldt County, in the Whitethorn area, on the north side of Eubanks Road, approximately 0.75 miles west from the intersection of Ettersburg Road and Eubanks Road. Access to the property is approximately 1.0 mile on Eubanks Road from the intersection of Ettersburg Road.

Parcel Description & Timber Harvest History

Note: The property background has been summarized using personal accounts of the current landowner, digital orthographic quadrangle (DOQ) imagery, Humboldt County Web GIS, CAL FIRE Watershed Mapper v2, and Historic Aerials. To avoid speculation and maintain relevancy, the property background focuses mainly on the past 10-15 years.

The property is comprised of second growth tanoak and Douglas-fir within the Class II drainages, and grassland and brush in various stages of conifer/hardwood encroachment upslope on the trending ridge. Review of historic aerial imagery (<https://www.historicaerials.com>) from 1948 and 1968 shows timber located along the unnamed Class II tributaries to Eubank Creek. North-facing forest stands extended nearly to the ridgetop, while south-facing timber stands transition to brush then grassland to the ridgetop. There appear to be signs of forest encroachment occurring on the south-facing slopes. There are no signs of large-scale clearcutting visible on the 1968 photo, however there is evidence that individual trees or clumps of old growth/mature Douglas-fir visible on the 1948 imagery were harvested in the late 1950's/early 1960's. In addition, there is photographic evidence of logging roads skid roads and small log landings. There have been no commercial harvests on the property since the initial entry as recorded by Cal Fire (Watershed Mapper v2 http://egis.fire.ca.gov/watershed_mapper/). The property was transferred to the current owner in March 2008.

Project Description

Three cultivation sites were inspected during the field assessment within APN 220-081-012. The following table lists the inspected sites and their acreages; see detailed site descriptions below.

Cultivation Site/Associated Area	Total Acreage	Converted?	Converted Acreage
Site 1	0.55	Yes	0.36
Site 2	0.11	Yes	0.11
Site 3	0.48	Yes	0.16
Total:	1.14		0.63

Site 1

This site contains approximately 6,400 ft² of cannabis cultivation occurring in four greenhouses, approximately 25 plastic water tanks, and other cannabis related infrastructure. Review of historic aerial imagery from 1948, 1968, 1993, and 1998 reveals that this site was a combination of natural grassland and forest encroachment in the form of brush and open-grown conifer and hardwood trees. The site appears to have been developed between 1998 and 2005 with no significant enlargement/expansion detectable to present. The RPF liberally estimates that approximately 66% of the site was vegetated with brush and trees (timberland) prior to development. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Site 2

This site contains two drying sheds and other cannabis related equipment and infrastructure related to cannabis cultivation. Review of historic aerial imagery from 1948 and 1968 reveals that this site was timbered. 1993 imagery shows the existing access road and what appears to be a log landing or cleared/graded area occupying the existing site. There are no signs of timber harvesting in the adjacent forest however. The site appears to have been developed between 1998 and 2005 with no significant enlargement/expansion detectable to present. The cultivation-related activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Site 3

This site contains approximately 4,800 ft² of cannabis cultivation occurring in four greenhouses, 4,400 ft² of full-sun, outdoor cannabis cultivation, and approximately 13 plastic water tanks. Review of historic aerial imagery from 1948 and 1968 reveals that this site was clearly grassland. Subsequent imagery from 1993, 2005, and 2009 shows forest encroachment in the form of brush and open-grown conifer and hardwood

Project Description (Cont.)

trees. The site was developed between 2009 and 2010 with no significant enlargement/expansion detectable to present. The RPF liberally estimates that approximately 33% of the site was vegetated with brush and trees (timberland) prior to development. The cultivation activities observed impede the use of this space for current timber growth and harvesting; in this way, the landowner has effectively converted the single use of this space from timber production to cannabis cultivation.

Timberland Conversion Summary

TRC observed 0.63 acres of timberland conversion for cultivation-related purposes. This total does not exceed the three-acre conversion exemption maximum.

Limitations and Considerations for Timberland Conversion Activities

Watercourses and Water Resources

14CCR 1104.1(a)(2)(F): "No timber operations are allowed within a watercourse and lake protection zone unless specifically approved by local permit (e.g., county, city)."

No conversion areas exist within a Watercourse and Lake Protection Zone (WLPZ). Further, no cultivation sites are located within a riparian buffer per State Water Resources Control Board Order WQ 2019-0023-DWQ, or a Humboldt County Stream Management Area based upon the RPF's physical inspection of the surrounding areas.

Slash, Woody Debris, and Refuse Treatment

14 CCR 914.5(b): "Non-biodegradable refuse, litter, trash, and debris resulting from timber operations, and other activity in connection with the operations shall be disposed of concurrently with the conduct of timber operations."

14CCR 1104.1(a)(2)(D) – Treatment of Slash and Woody Debris

- 1) Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.*
- 2) All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.*
- 3) All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.*
- 4) Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.*
- 5) Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.*
- 6) Full slash and woody debris treatment may include any of the following:*
 - a) Burying;*
 - b) Chipping and spreading;*
 - c) Piling and burning; or*
 - d) Removing slash and woody debris from the site for treatment in compliance with (a)-(b). Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.*
- 7) Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.*
- 8) Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.*

Limitations and Considerations for Timberland Conversion Activities (Cont.)

The RPF observed no slash, logs, and/or woody debris at either site, which would require treatment per the Forest Practice Rules.

Biological Resources and Forest Stand Health

14 CCR 1104.1 (2)(H): "No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1"

The query of the CNDDDB Database on January 16, 2020 revealed one observation of sensitive, rare, threatened, or endangered species or species of special concern within a 0.7-mile radius biological assessment area (BAA) surrounding the cultivation/conversion sites. A red-bellied newt is documented within Eubank Creek a distance of approximately 1,500 feet from the nearest cultivation site. The red-bellied newt is a non-listed State species of special concern. The status of this species would not have required consultation with CDFW in association with a Cal Fire conversion exemption. The converted areas are not located in or near suitable habitat for this species. No sensitive, rare, threatened, or endangered species or species of special concern were observed during the TRC field assessment of the project area, though potential habitat exists on the property.

The query of the CNDDDB NSO Database revealed no known Northern Spotted Owl (NSO) Activity Centers within a 0.7-mile radius biological assessment area (BAA) surrounding the conversion sites.

The conversion areas did not include late successional stands, late seral stage forests, or old growth trees. The conversion area did not include any trees that existed before 1800 A.D. and are greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species.

No major forest health issues were observed during the field assessment. The property is located within Humboldt County, a Zone of Infestation (ZOI) for Sudden Oak Death (SOD) but the RPF observed no symptoms, signs, and evidence of oak mortality within the property.

Cultural Resources

14 CCR 1104.1 (2)(I): "No timber operations are allowed on significant historical or archeological sites."

No archeological sites were observed during the TRC field assessment. The RPF conducted pre-field research for the project's geographic location and closely surveyed the converted sites and surrounding undisturbed areas for presence or evidence of prehistoric or historic sites. The archaeological survey was conducted by Chris Carroll, a certified archaeological surveyor with current CALFIRE Archeological Training (Archeological Training Course #575). The survey consisted of examining boot scrapes, rodent disturbances, natural and manmade areas of exposed soils, and road and cultivation site surfaces. Per 14 CCR 1104.2(2)(I), all required Native American tribes and organizations have been notified of the project location and are encouraged to respond with any information regarding archaeological sites, cultural sites, and/or tribal cultural resources within or adjacent to the project area.

Recommendations

In summary, a total of 0.63 acres of unauthorized timberland conversion has occurred within APN 220-081-012. This total does not exceed the three-acre conversion exemption maximum. The conversion activities conducted on the property comply with the California Forest Practice Act and the California Forest Practice Rules.

The RPF has no recommendations.

Sincerely,



Chris Carroll, RPF #2628
Timberland Resource Consultants

Pictures



Picture 1: Site 1. Photo date 1-15-2020.

Pictures



Picture 2: Site 1. Photo date 1-15-2020.

Pictures



Picture 3: Site 3. Photo date 1-15-2020.

Pictures



Picture 4: Site 3. Photo date 1-15-2020.

Pictures



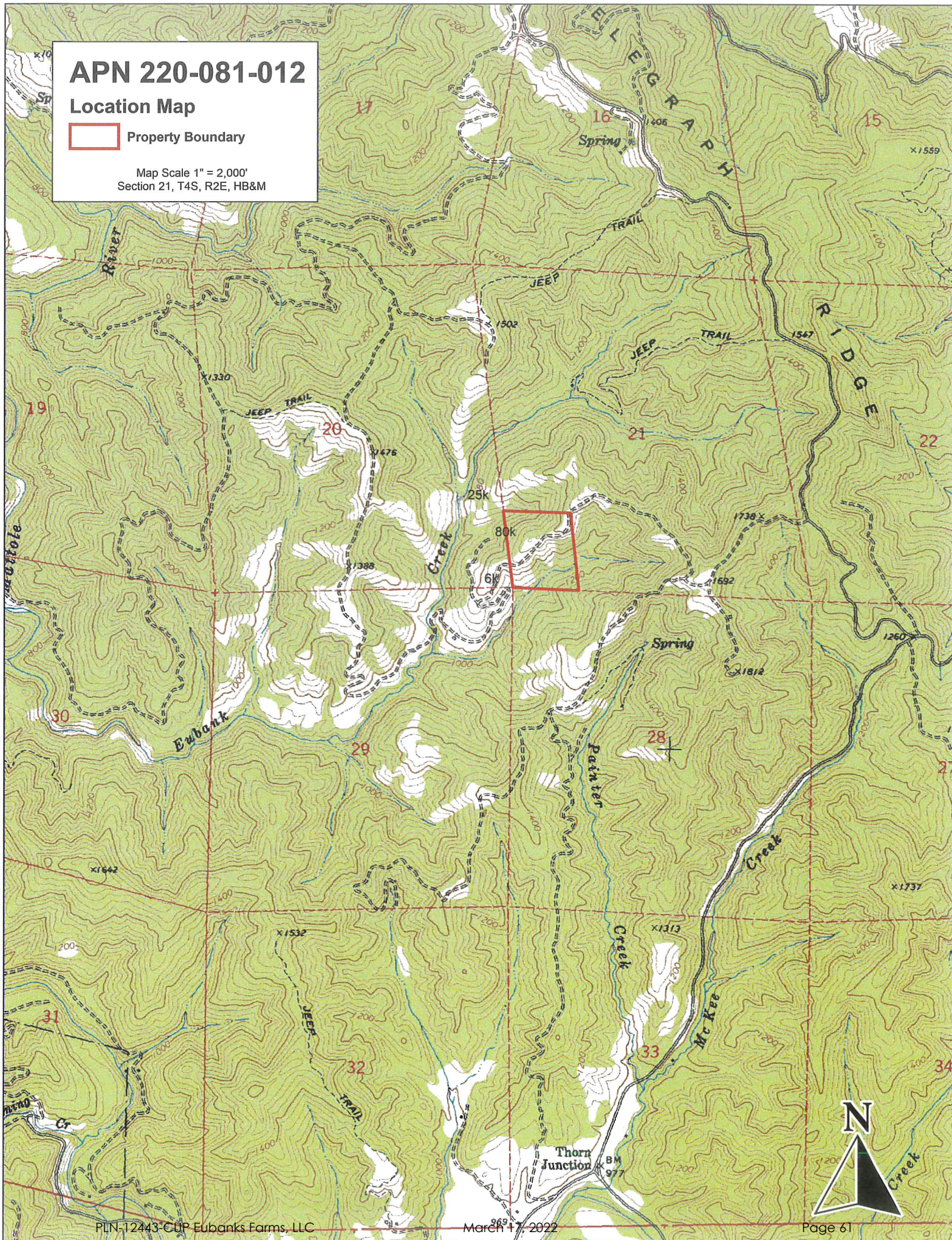
Picture 5: Site 3. Photo date 1-15-2020.

APN 220-081-012

Location Map









 Property Boundary

Map Scale 1" = 2,000'
Section 21, T4S, R2E, HB&M

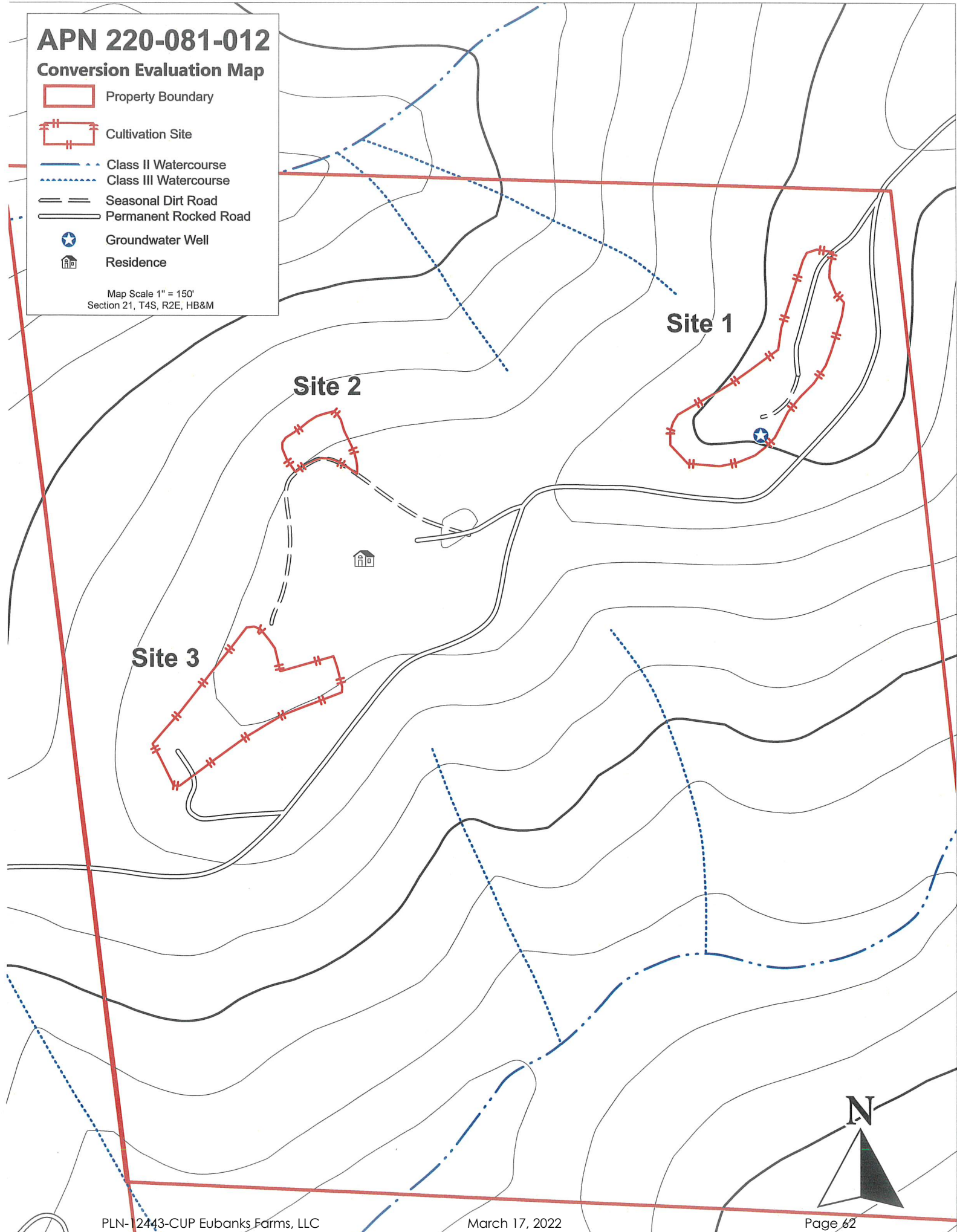


APN 220-081-012

Conversion Evaluation Map

-  Property Boundary
-  Cultivation Site
-  Class II Watercourse
-  Class III Watercourse
-  Seasonal Dirt Road
-  Permanent Rocked Road
-  Groundwater Well
-  Residence

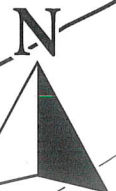
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Site 1









Site 2

Site 3

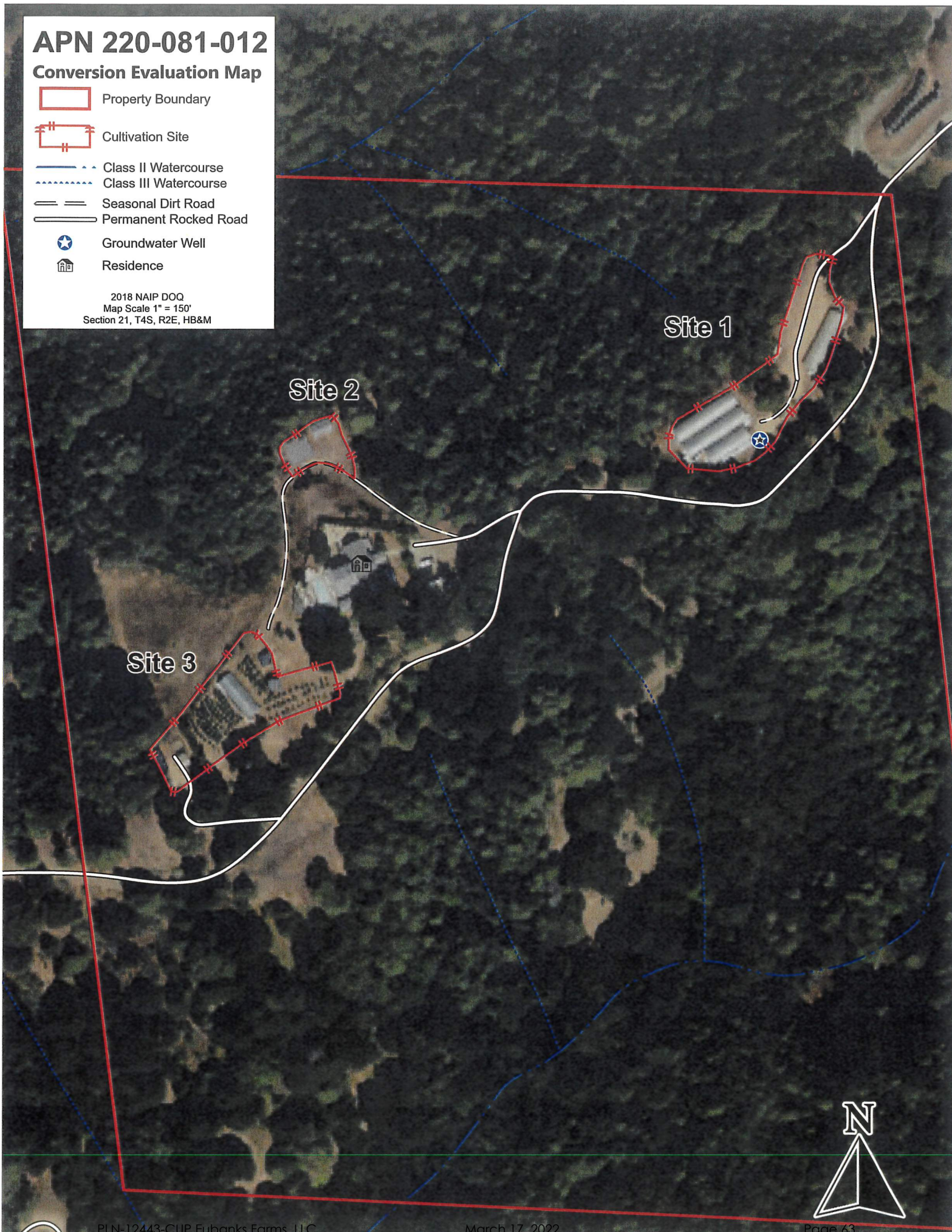


APN 220-081-012

Conversion Evaluation Map

-  Property Boundary
-  Cultivation Site
-  Class II Watercourse
-  Class III Watercourse
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-  Permanent Rocked Road
-  Groundwater Well
-  Residence

2018 NAIP DOQ
Map Scale 1" = 150'
Section 21, T4S, R2E, HB&M



Site 1









Site 2

Site 3



APN 220-081-012

Conversion Evaluation Map









-  Property Boundary
-  Cultivation Site
-  Class II Watercourse
-  Class III Watercourse
-  Seasonal Dirt Road
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-  Residence

2012 NAIP DOQ
Map Scale 1" = 150'
Section 21, T4S, R2E, HB&M

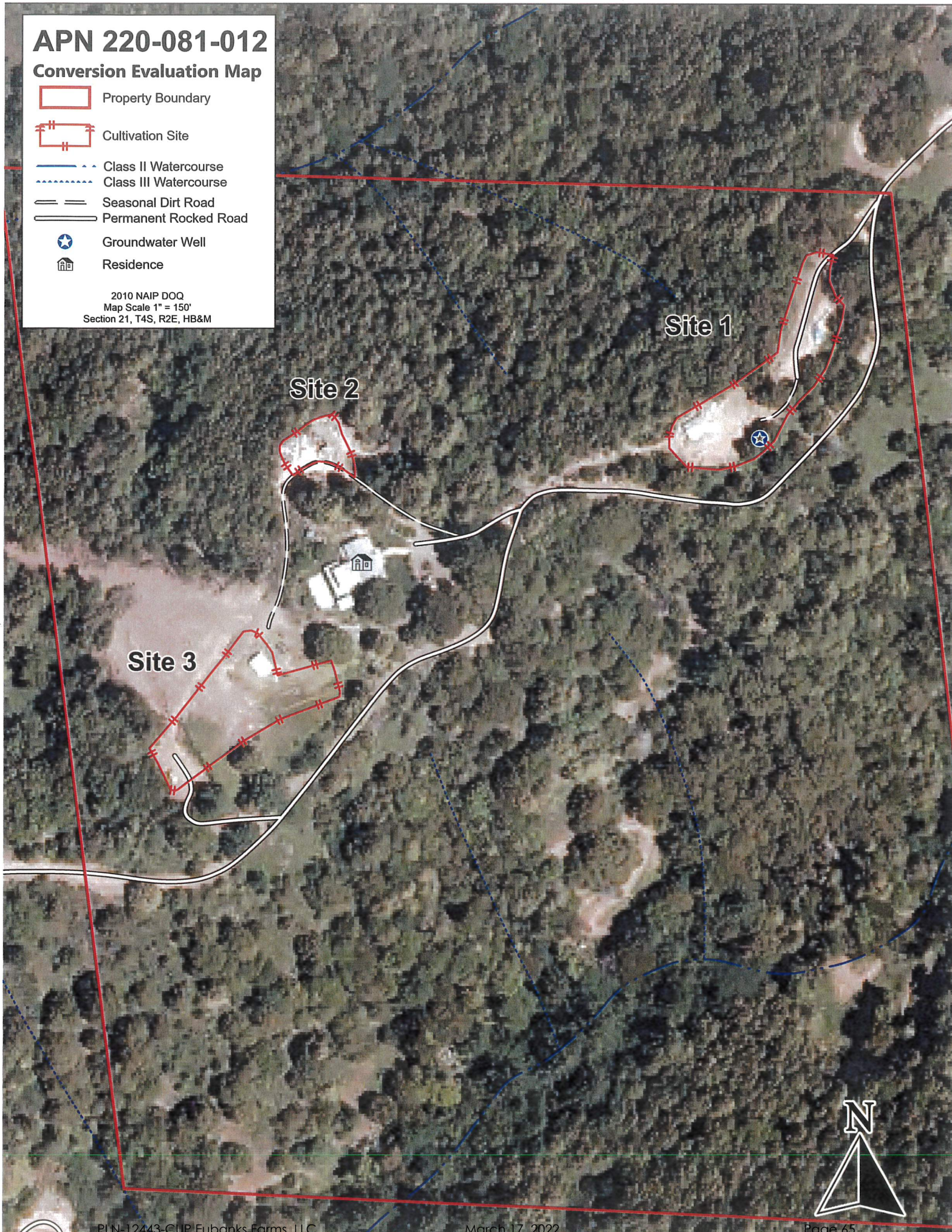


APN 220-081-012

Conversion Evaluation Map









-  Property Boundary
-  Cultivation Site
-  Class II Watercourse
-  Class III Watercourse
-  Seasonal Dirt Road
-  Permanent Rocked Road
-  Groundwater Well
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2010 NAIP DOQ
Map Scale 1" = 150'
Section 21, T4S, R2E, HB&M

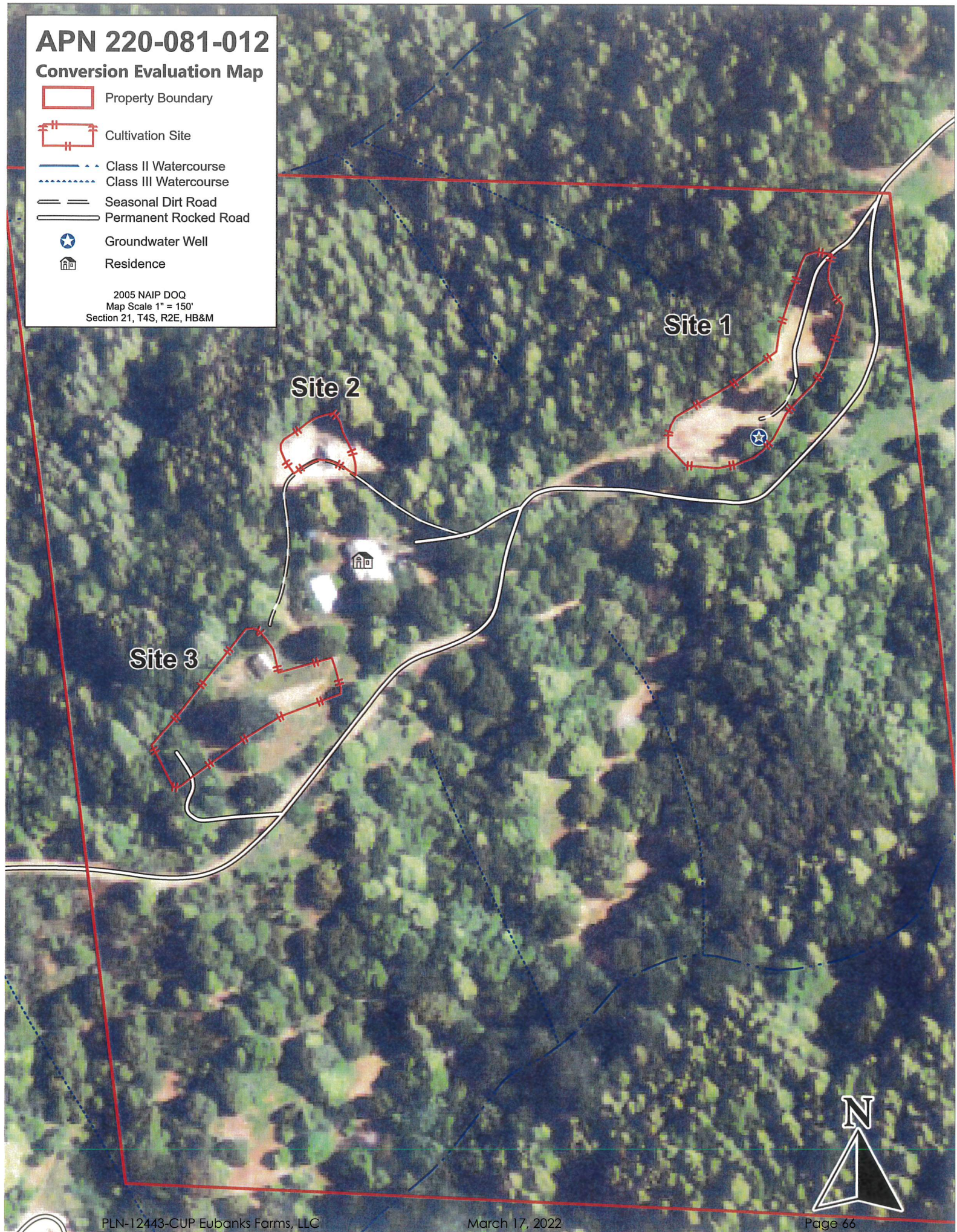


APN 220-081-012

Conversion Evaluation Map

-  Property Boundary
-  Cultivation Site
-  Class II Watercourse
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2005 NAIP DOQ
Map Scale 1" = 150'
Section 21, T4S, R2E, HB&M



Site 1









Site 2

Site 3

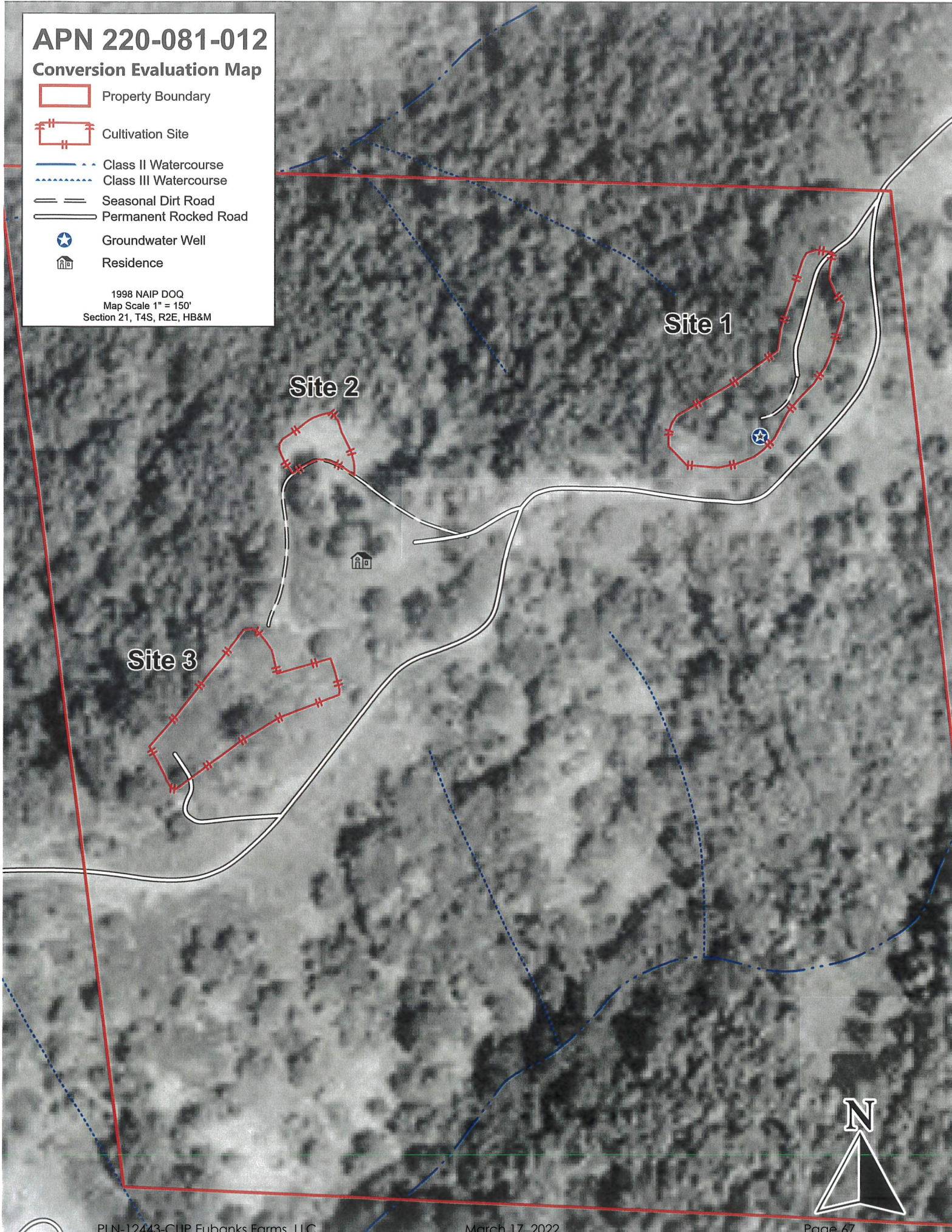


APN 220-081-012

Conversion Evaluation Map

-  Property Boundary
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1998 NAIP DOQ
Map Scale 1" = 150'
Section 21, T4S, R2E, HB&M



Site 1









Site 2

Site 3

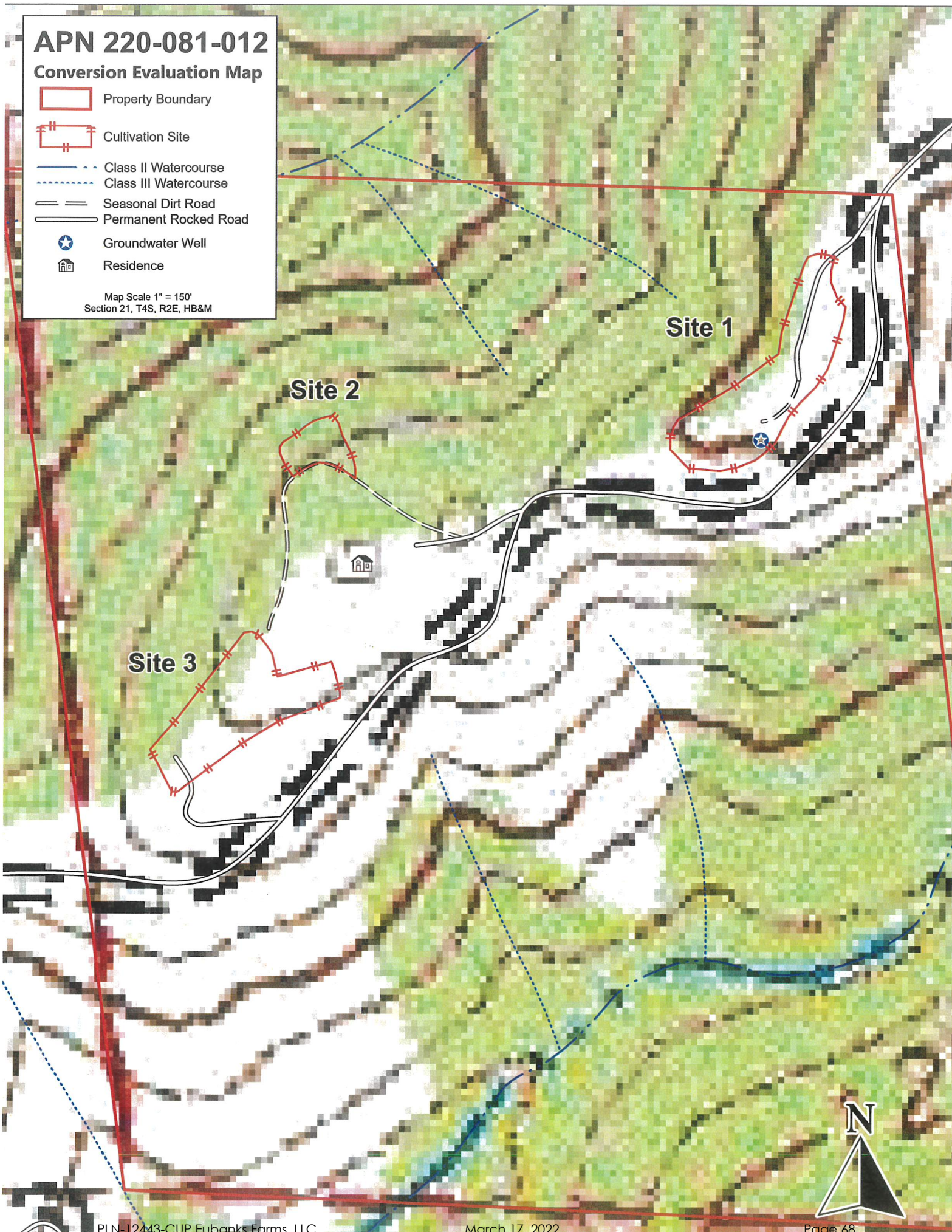


APN 220-081-012

Conversion Evaluation Map





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Map Scale 1" = 150'
Section 21, T4S, R2E, HB&M

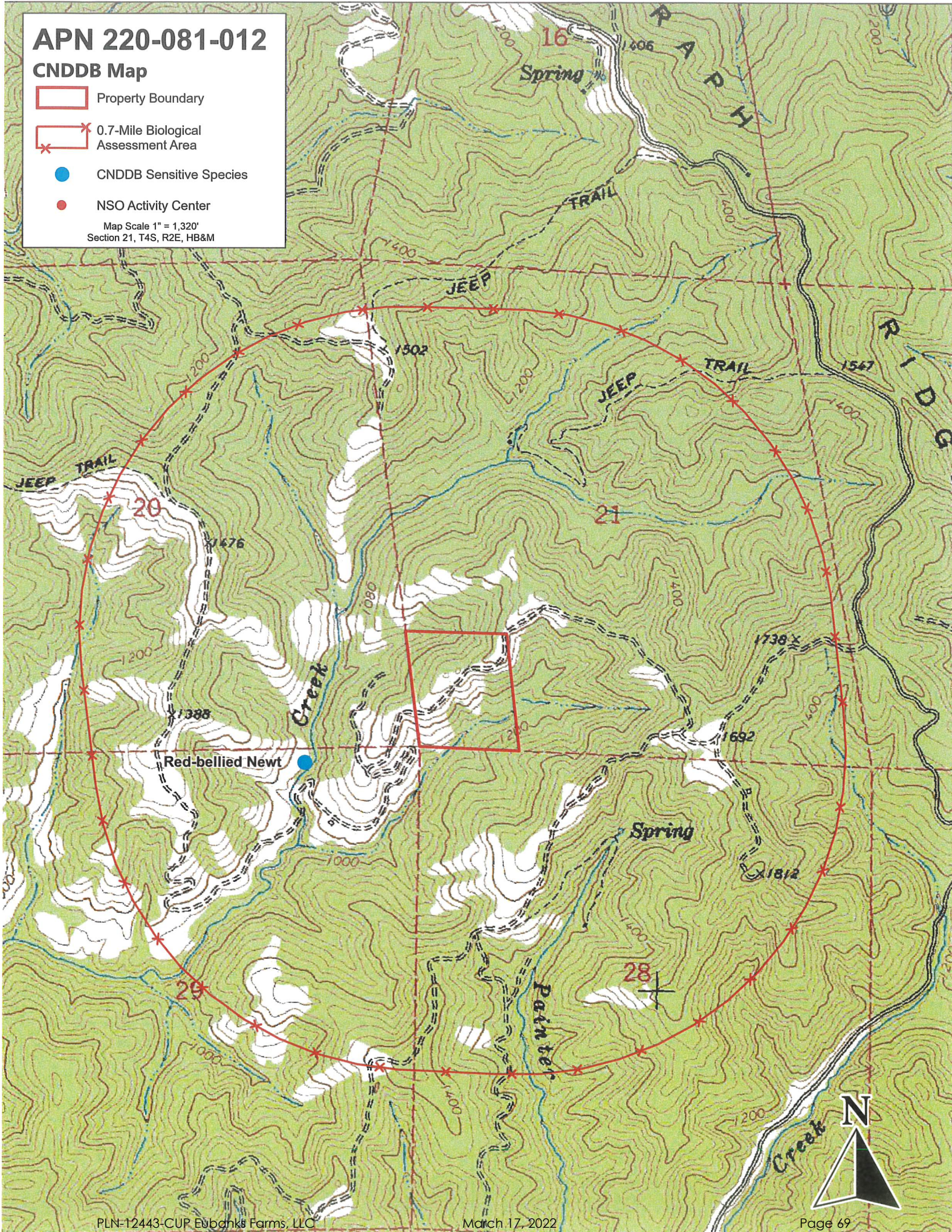


APN 220-081-012

CNDDB Map

-  Property Boundary
-  0.7-Mile Biological Assessment Area
-  CNDDB Sensitive Species
-  NSO Activity Center

Map Scale 1" = 1,320'
Section 21, T4S, R2E, HB&M



ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Humboldt County Division of Environmental Health	✓	Conditional approval	On file
Humboldt County Building Inspection Division	✓	Conditional approval	On file
Humboldt County Department of Public Works	✓	Conditional approval	On file
CAL FIRE	✓	Comments	On file
Northwest Information Center (NWIC)	✓	Comments	On file and confidential
Bear River Tribal Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Humboldt County Counsel		No response	
California Department of Fish and Wildlife (CDFW)		Conditional approval	
North Coast Regional Water Quality Control Board (NCRWQCB)		No response	
North Coast Unified Air Quality Management District (NCUAQMD)		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County Sheriff		No response	
Southern Humboldt Joint Unified School District		No response	
Telegraph Ridge Fire Protection District	✓	Conditional approval	On file
California Department of Transportation District #1		No response	