

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

Resolution Number: 23-095

Record Number: PLN-12460-CUP

Assessor's Parcel Number: 522-024-001

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

WHEREAS, Mojo Mountain, LLC submitted an application and evidence in support of approving a Conditional Use Permit for an existing 35,025 square foot (SF) outdoor cannabis cultivation operation and a Special Permit for the continued maintenance and use of a point of diversion; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on October 19, 2023 and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** A Conditional Use Permit for an existing 35,025 square foot (SF) outdoor cannabis cultivation operation with 200 SF of propagation. Irrigation water is sourced from a permitted groundwater well (11/12-0971) and a point of diversion. Existing available water storage is 19,000 gallons in 7 hard tanks distributed throughout the site and is proposed to be increased to 519,000 gallons through the addition of a 500,000-gallon rainwater catchment tank. Estimated annual water usage was reported as 525,000 gallons (14.9 gallons/SF). Drying will occur in the existing 768 SF drying building. Processing will occur offsite at a licensed processing facility. In addition to the three operators up to six seasonal employees may be utilized during peak operations for a total of 9 people on-site. Power is provided by 2 Honda 6,500-watt and 2,000-watt generators for water pumps, lighting, general farm use, and drying cannabis. A Special

Permit is also requested for development within the Streamside Management Area (SMA) for the continued use and maintenance of the point of diversion infrastructure.

EVIDENCE: a) Project File: PLN-12460-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration that was adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Site Management Plan (SMP) was prepared by Northpoint Consulting Group showing compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the SMP and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) Review of the California Natural Diversity Database (CNDDB) indicates the presence of southern torrent salamander on the southwestern portion of the property. This species is found in springs and other wet areas and is therefore unlikely to be impacted by any of the cultivation activities with the possible exception of the point of diversion. However, the point of diversion is subject to an LSAA issued by the California Department of Fish and Game which regulates points of diversion for the protection of this species and others. Northern Spotted Owl (NSO) habitat exists in the vicinity and the nearest positive observation is located approximately 0.23 miles from the project area, with the nearest NSO activity center located approximately 0.90 miles away. Power for the project is currently provided by two (2) generators. Artificial lighting may also be utilized for ancillary propagation. The project is conditioned such that combined noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, conditions of

approval require the applicant to submit a revised energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing), how the size of the generator is reasonable based on the power demand, and how the operation will transition to use of 80% renewable energy (e.g., solar, wind, and/or hydropower) sources by the beginning of 2026. Furthermore, the project is conditioned to adhere to International Dark Sky Standards for any supplemental lighting used for cultivation, propagation, and security, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance and will not negatively impact NSO or other sensitive species.

- e) A Site Management Plan was prepared by Mojo Mountain, LLC. in July 2019 to show compliance with the SWRCB Order WQ 2017-0023-DWQ.
- f) A Cultural Resources Investigation was prepared for the project by Archaeological Research and Supply Company, which did not identify any resources on the subject site.
- g) A Road Evaluation Report was prepared for Old Three Creeks Road from Highway 299 to an unnamed road, and the unnamed road to the subject parcel was prepared. that concludes that the 7.9 -mile route leading to the subject parcel is developed to the equivalent of a category 4 road standard, is in good condition, and does not have any evidence of a site-specific safety problem.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

- 3. FINDING:** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

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

- 4. FINDING:** The proposed development is consistent with the purposes of the existing Timberland Production Zone (TPZ) zone in which the site is located.

- EVIDENCE:**
- a) The Timberland Production Zone (TPZ) zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.
 - b) All accessory agricultural uses are principally permitted in the TPZ zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 35,025 outdoor cultivation on a 318-acre parcel is consistent with this and with the cultivation area verification prepared by the County. Humboldt County Code does not authorize any new or expanded cultivation within the TPZ zones and as a result only the 35,025 SF of existing cultivation and 200 SF of propagation may be permitted.
 - d) All cultivation is over 300 feet from all property lines and there are no public parks, churches, school bus stops or other sensitive receptors within 600 feet of the cultivation areas.

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

- EVIDENCE:**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created through a lot line adjustment approved by Humboldt County.
 - c) The project will obtain water primarily from a non-diversionary groundwater well source and a rainwater catchment tank. The groundwater well and rainwater catchment is supplemented by a point of diversion and rainwater catchment tanks.
 - d) A Road Evaluation Report was completed by NorthPoint Consulting Group, Inc. in March 2020. The Evaluation addressed 7.9 miles of Old Three Creeks Road and an unnamed road leading into the parcel from Highway 299. All road segments evaluated were found to be functionally appropriate for the expected traffic.
 - e) The slope of the land where cannabis will be cultivated is less than 15%.
 - f) The cultivation of cannabis will not result in the net conversion of

timberland.

- g) 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 and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

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

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

7. FINDING: The cultivation of 35,025 SF of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

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

b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.

c) Irrigation water will come from a groundwater well and a proposed rainwater catchment tank and will be supplemented by a point of diversion.

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

8. FINDING: Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the

number of permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE: a) The project site is located in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 62 permits and the total approved acres would be 28 acres of cultivation. If all of the supply Creek projects on the agenda were to be approved there would be a total of 73 permits and 34 acres of cultivation.

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

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

DECISION

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

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

Adopted after review and consideration of all the evidence on **October 19, 2023**.

The motion was made by COMMISSIONER Thomas Mulder and second by COMMISSIONER Brian Mitchell and the following ROLL CALL vote:

AYES: COMMISSIONERS: Iver Skavdal, Noah Levy, Thomas Mulder, Brian Mitchell

NOES: COMMISSIONERS: Peggy O'Neill

ABSENT: COMMISSIONERS: Sarah West, Lonyx Landry

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 4/1

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



John Ford, Director
Planning and Building Department

CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. 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 #15. 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. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

7. The 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. Obtain a permit to operate any EPA Tier 4 diesel generator from the North Coast Unified Air Quality Management District and obtain an electric permit from the County's Building Department.
9. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
10. The applicant shall install a water monitoring device on each source—well and surface diversion if/when utilized and storage tanks as applicable—to monitor water used for cannabis irrigation separate from domestic use. Water monitoring devices shall be installed prior to any cultivation.
11. The applicant shall provide documentation that all of the necessary site improvements in the Site Management Plan prepared by Northpoint Consulting Group, dated July 2019, have been completed. A letter from a licensed engineer, or from the State Water Resources Control Board indicating that these requirements have been completed shall satisfy this condition.
12. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
13. 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.
14. 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 Humboldt County Code and available at the Planning Division.

15. The operation shall transition to use of 100% renewable energy (e.g., solar, wind, and/or hydropower) sources by January 1, 2026 with a generator to be used for emergencies only. To achieve compliance with this condition the applicant shall submit an energy budget detailing the power needs for the project and demonstrating that the proposed renewable energy sources can supply 100% of the power needs.
16. The permittee shall take action to form or join a Road Maintenance Association (RMA) for the maintenance of the roads. In the event the applicant is unable to coordinate formation or join an RMA, the permittee shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the roads.
17. All ground-breaking activities associated with the project, including but not limited to grading and installation of the proposed 500,000 gallon water tank, shall occur outside of the Northern Spotted Owl breeding season (March 1 through July 10).

Conditions which must be satisfied prior to re-establishment of pre-existing cultivation

18. The applicant shall complete all of the items in the Streambed Alteration Agreement (SAA) issued by CDFW to Samantha Phillips (EPIMS-HUM-21613-R1). Written verification from CDFW shall satisfy this condition. Pursuant to the Settlement Agreement between Mojo Mountain LLC, 707 Reality LLC, Samantha Phillips, Jacob Phillips, and the Department of Cannabis Control and Nicole Elliott dated November 2022, no cultivation is allowed on the site until confirmation from CDFW that full compliance with the SAA has been achieved.
19. Within 60 days of the effective date of permit approval the applicant shall submit a revised site plan eliminating the proposed 3,500 SF nursery and identifying the 200 SF area to be utilized for propagation. This condition does not prevent the applicant from propagating plants in any of the existing 35,025 SF of cultivation areas.
20. Prior to cultivation occurring the applicant shall install a minimum of 500,000 gallons of additional water storage on the site and shall demonstrate that the water storage has been filled to capacity. The applicant may choose to cultivate less than the allowed cultivation area commensurate with available stored water in the event that less than the 500,000 gallons has been stored on-site.
21. The applicant shall provide documentation that all uncontained trash and debris has been removed from the property and all soil on the site is contained with erosion control measures in place.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Ensure all generators be located on stable surfaces with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.

9. 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.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. 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.
13. 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.
14. 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.
15. 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).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any

substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

17. 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).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. 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).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. 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.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. 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."
26. 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).
27. 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.

28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

29. All cultivators shall comply with the approved processing plan as to the following:

- a. Processing practices
- b. Location where processing will occur
- c. Number of employees, if any
- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

30. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP 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.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. 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.
33. 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.
34. 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.
35. 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 #5 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 the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

MOJO MOUNTAIN, LLC
CULTIVATION AND OPERATIONS MANUAL
APN: 522-024-001
HUMBOLDT COUNTY, CA

**COMMERCIAL CANNABIS
CULTIVATION FACILITIES**



PREPARED FOR:



Modified September 2023

Cultivation and Operations Manual

Mojo Mountain, LLC

APN: 522-024-001

Application Number: 12460

Commercial Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department

3015 H Street

Eureka, CA 95501

Prepared by

NorthPoint Consulting Group, Inc.

1117 Samoa Blvd.

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In Consultation with:

Mojo Mountain, LLC

212 G Street, Suite 201

Eureka, CA 95501

Modified September 2023

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APPENDICES

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1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Mojo Mountain, LLC ("Applicant") is proposing to permit existing cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Marijuana Land Use Ordinance* (CMMLUO), aka "Ordinance 1.0" on APN 522-024-001.

The project requires a Conditional Use Permit (CUP) for approximately 35,025 square feet (sf) of outdoor cannabis cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including greenhouses, cultivation facility for drying and curing of cannabis parking spaces, and an engineered water storage tank. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located at parcel number APN 522-024-001, northwest of the community of Willow Creek at latitude of 40.9818 and longitude of -123.7298. The subject parcel is approximately 318.89 acres per Humboldt County Web GIS. The parcel is on a ridge at an elevation of 3,600 feet and drains to the north. The site has a rugged landscape that hosts dense hardwood forest intermixed with oak and other species.

1.3. LAND USE

The subject property has a General Plan Designation of Timber (T) as identified by the Humboldt County General Plan and is zoned Timber Production Zone (TPZ). The surrounding parcels are zoned TPZ and Unclassified (U).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Mojo Mountain, LLC has obtained four (4) Provisional Cannabis Cultivation Licenses from the State of California.

1.4.2. STATE WATER RESOURCES CONTROL BOARD – WATER RIGHTS

Historically, the primary water source was a groundwater well permitted through the Humboldt County Division of Environmental Health (Permit Number: 11/12-0971).

The operation proposes to source irrigation water from a rainwater catchment system that will be supplemented by a high flow point of diversion (POD). The applicant has an issued Small Irrigation use Registration (SIUR) for the POD (Certificate H100757). Refer to Section 1.4.6 for additional details.

1.4.3. STATE WATER RESOURCES CONTROL BOARD AND NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD – WATER QUALITY

Mojo Mountain, LLC is enrolled with the State Water Resources Control Board (SWRCB) General Order for coverage under the Tier 2, Low Risk classification of Order No. 2019-0001 General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (WDID 1_12CC417114). A Site Management Plan and Nitrogen Management Plan have been prepared by NorthPoint Consulting Group and submitted to the SWRCB.

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.

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. A fire riser will be installed to SRA specifications.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The applicant has an executed Streambed Alteration Agreement issued by CDFW on November 1, 2021. The Agreement is for 17 encroachments consisting of 16 stream crossings and a point of diversion.

Historically, the applicant identified the primary water source as a well. The operation proposes to source irrigation water from a rainwater catchment system that will be supplemented by a point of diversion (POD). The rainwater catchment system will consist of a 500,000 gallon open top rainwater catchment tanks with a floating liner. The rainwater catchment tank will be placed on a flat adjacent to the POD.

The POD will operate as a high flow diversion. The high flow diversion will be designed, sized, and operated in consultation with CDFW staff and CDFWs approval.

1.4.7. CULTURAL RESOURCES

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

2. CULTIVATION AND PROCESSING

2.1. PROPAGATION AND INITIAL TRANSPLANT

Mojo Mountain, LLC propagates clones on-site. The nursery will consist of a 200-sf area. Cuttings from the mother plants are rooted into a growing medium before being placed in the nursery, where initial planting occurs in 3 1/2" square pots to 1-gallon containers. Seeds will be started in 4-in pots, transplanted into 3-gallon containers, and kept in the nursery. The juvenile plants are irrigated using hand watering methods. After 3-5 weeks, the plants are transplanted to the raised garden beds within the hoop houses. Black out tarps will be used to achieve both light deprivation and Dark Sky standards. Propagation area with supplemental lighting will be properly maintained by shielding so little to no light escapes. Light shall not escape at a level this is visible from neighboring properties between sunset and sunrise.

2.2. OUTDOOR CULTIVATION PLAN AND SCHEDULE

Outdoor cultivation will occur in multiple hoop houses with differing dimensions (Table 1 and Appendix A), totaling an area of approximately 35,025-sf. Hoop houses consist of PVC tubing and black-out tarps with garden beds. The black-out tarps will be used to maintain a 12-hour photosynthesis period, a technique known as light-deprivation.

Table 1: Summary of Cultivation Areas

Cultivation Area	Cultivation Type	Dimensions	Cultivation Amount (sf)
Northwest Cultivation Area	Light Deprivation	20' x 44'	880
		20' x 64'	1280
		20' x 117.25'	2345
		20' x 98.8'	1976
		20' x 84''	1680
		16' x 75'	1200
		20' x 44'	880
Southwest Cultivation Area	Light Deprivation	20' x 86'	1720
		20' x 116'	2320
		20' x 132'	2640
Central Cultivation Area	Light Deprivation	20' x 100'	2000
		20' x 100'	2000
		20' x 100'	2000
		20' x 100'	2000
Northeast Cultivation Area	Light Deprivation	20' x 128'	2560
		20' x 114'	2280
		20' x 64'	1280
		20' x 128'	2304
		20' x 128'	2560

Total Cultivation Area =

35,025 sf

2.3. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using a combination of top-feed hand watering methods and drip emitters. Juvenile plants will be hand watered as needed. Mojo Mountain, LLC maintains that irrigation and fertigation is more efficiently managed via hand watering, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual juvenile plant. Once plants are transplanted into the raised beds, a pumped watering system is used. Tubing will be laid along the length of the raised beds and drip emitters will be placed at the base of the plant. Each emitter delivers the water directly to the base of the plants.

2.4. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in the drying building, which is temperature-controlled and equipped with ventilation fans. Plants are dried using dehumidifiers, and the drying process takes approximately one week, at which time the flowers are bucked into manageable buds and placed in storage bins. The storage bins allow safe transportation to an off-site processing facility. Trimming will be done off-site at a licensed processing facility.

2.5. EMPLOYEE PLAN

Mojo Mountain, LLC is an “agricultural employer” as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 of Division 2 of the Labor Code), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.5.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- Agent in Charge: Big-picture oversight and management of Mojo Mountain, LLC. Responsibilities include but are not limited to inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a full-time, year-round position.
- Lead Cultivator: Oversight and management of the day to day cultivation of cannabis. Responsibilities include but are not limited to plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- Assistant Cultivator: Provides support to the Lead Cultivator in their day to day duties and takes the lead role during times when the Lead Cultivator may be off site. This is a full-time, seasonal position.
- Seasonal Laborer: Provides cultivation, harvesting, and drying support. This is a part-time to full-time, seasonal position.

2.5.2. STAFFING REQUIREMENTS

In addition to the Agent, Lead Cultivator and Assistant Cultivator positions, up to three (3) seasonal labor positions will be available during peak operational periods. The number of seasonal laborers varies based on the needs of the farm during the cultivation, planting and harvesting seasons. At the peak harvest season, there will be a maximum of six (6) employees on site.

2.5.3. EMPLOYEE TRAINING AND SAFETY

On-site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure, including but not limited to cultivation and harvesting techniques, use of pruning tools, and proper application/storage of pesticides/fertilizers. All employees are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and storage facilities are limited to authorized and trained staff.

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

2.5.4. TOILET AND HANDWASHING FACILITIES

Portable toilets will be brought on-sites. A handwashing station will be available for employees at a distance typically no greater than 1,200-ft from the restroom facility.

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2.5.5. ON SITE HOUSING

There is no onsite residence. All full-time and seasonal employees live off site and commute daily to the cultivation site. No new residential structures are proposed as a part of this project.

2.5.6. PARKING

There will be six (6) parking spots located throughout the site. Four (4) parking spaces are adjacent to the existing cultivation area on the secondary access road and (2) are located near the proposed drying building area on the main access road. Employees will carpool to the site, if able to.

2.6. SECURITY PLAN AND HOURS OF OPERATION

2.6.1. FACILITY SECURITY

The site is secured by two locked gates along the main access road. Access to the facilities is limited exclusively to employees, and restricted access signs are posted conspicuously at the entry gates.

2.6.2. HOURS OF OPERATION

Activities associated with cultivation generally occur during daylight hours. All other activities such as harvesting and drying typically occur no earlier than 7 AM and extend no later than 8 PM. Commercial nursery and distribution activities typically occur 7 AM to 6 PM.

3. ENVIRONMENT

3.1. WATER SOURCE AND PROJECTED WATER USE

The operation proposes to source irrigation water from a rainwater catchment system that will be supplemented by a POD. The rainwater catchment system will consist of a 500,000 gallon open top rainwater catchment tank with a floating liner. See discussion in Section 1.4.6.

The irrigation water usage for cultivation during a typical year is estimated to be 527,224-gallons per year (Table 2). Variables such as weather conditions and specific cannabis strains may also have a slight effect on water use. If water storage capacity is not met, the applicant may choose to cultivate less than the existing cultivation amount with the available stored water.

Table 2: Estimated Annual Irrigation Water Usage (Gallons)

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
0	0	0	0	35,700	89,251	92,226	102,920	135,083	72,044	0	0	527,224

3.1.1. WATER STORAGE

The table below outlines the existing and proposed water storage on the parcel. Mojo Mountain, LLC has an existing water storage capacity of 34,000-gallons (Table 3). The proposed water storage capacity will be 534,000 gallons.

Table 3: List of Existing and Proposed Water Storage Vessels on Site

Existing/Proposed	Type	Quantity (Gallons)	Number	Total Storage (Gallons)
Existing	Plastic Tank	1,500	4	6,000

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Existing	Plastic Tank	5,000	5	25,000
Existing	Plastic Tank	3,000	1	3,000
Proposed	Rainwater Catchment Tank	500,000	1	500,000
Total Storage	---	---	11	534,000

*Since water storage is in excess, one (1) of the water tanks will be designated as an SRA tank as appropriate

3.1.2. WATER COLLECTION ANALYSIS

This section summarizes the total collection potential from rainfall and the high flow POD.

3.1.2.1. Rainwater Catchment Analysis

Water is proposed to be sourced from rainfall capture and storage. The following calculations demonstrate the rainfall capture and storage potentials for the project. Data from PRISM Climate Group was used for calculations (<https://prism.oregonstate.edu/explorer/>). The PRISM Climate Group provides site-specific average monthly and annual rainfall data based on topography and historic precipitation values. PRISM data for the years 2010 – 2021 was used to represent the recent rainfall data and account for lighter rainfall years in the recent record. The highest precipitation year on record for the project site was 151.89 inches in 2010, the lowest rainfall year was 39.85 inches in 2013, and the average over the last 10 years was 102.33 inches. The 2013 precipitation amount of 39.85 inches is the lowest recorded rainfall on record for the area since 1900.

The 500,000-gallon rainwater tank is assumed to have 100% capture efficiency due to being an open top tank. The rainwater catchment tank is proposed to have a floating liner, this will prevent evaporation from occurring. No evaporation is accounted for in these calculations. The diameter of the tank is 74 feet with a catchment area of 4,301 sf.

Equation 1.

$$\text{Harvested rainwater (gal)} = \text{catchment area (ft}^2\text{)} \times \text{precipitation (ft.)} \times 7.48 \text{ (gal/ft}^3\text{)} \times \text{capture efficiency (\%)}$$

Due to the changing climate and the current drought, it is important for cultivators to consider that not every year will be an average rainfall year. Using Equation 1, the rainwater catchment tank is expected to fill as followed during an average and a drought year:

Average Rainfall Year: During an average rainfall of 102.33 inches for the project area, the proposed tank would have the potential to capture approximately 274,353 gallons of rainwater (Table 4).

Table 4: Rainwater Catchment Potential During an Average Rainfall Year				
Tank	Tank Diameter (ft)	Area (ft)	Volume (ft3)	Volume (gal)
500K	74	4,301	36,676	274,353

Drought Rainfall Year: During an extreme drought year of 39.85 inches the proposed tank would have the potential of capturing approximately 104,159 gallons of rainwater (Table 5).

Table 5: Rainwater Catchment Potential During a Drought Rainfall Year				
Tank	Tank Diameter (ft)	Area (ft)	Volume (ft3)	Volume (gal)
500K	74	4,301	13,924	104,159

3.1.2.2. Water Storage Summary

This section summarizes the total water storage potential from rainfall and the high flow POD.

During an average rainfall year, the proposed tank would have the potential to capture approximately 274,353 gallons of rainwater. Approximately 252,871 gallons are proposed to come from the high flow POD.

During a drought rainfall year, the proposed tank would have the potential to capture approximately 104,159 gallons of rainwater. Approximately 423,065 gallons are proposed to come from the high flow POD.

3.2. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Mojo Mountain, LLC is enrolled with the State Water Resources Control Board (SWRCB) under Tier 2, Low Risk coverage, and a Site Management Plan (SMP) was developed based on best practicable treatment or control (BPTC) measures in accordance with the SWRCB's recommendations. Recommendations made in the SMP are summarized in the sections below.

3.2.1. SITE DRAINAGE AND RUNOFF

The main road to the residence is composed of native soils and contains rolling dips to allow runoff discharge onto vegetated areas off the road. The Main Access Road shows adequate drainage patterns and no signs of sediment transport.

BPTC prescriptions for the existing Main Access Road include the installation of twenty-eight (28) type-1 rolling dips, reconditioning of six (6) existing rolling dips, the installation of one (1) rocked dip, and clearing the inlet of one (1) plugged ditch relief culvert, and reinforcing an existing inboard ditch.

Drainage-related issues on the Secondary Access Road will be addressed with the installation of five (5) type-1 rolling dips, reconditioning of two (2) existing rolling dips, and installation of a critical dip on the left hinge line of an existing ditch relief culvert.

Other existing roads on the project site show no drainage-related issues and require no BPTC prescriptions. The specific locations of all BPTC prescriptions and drainage features can be seen in the SMP.

3.2.2. EROSION CONTROL

Bare soils on the project site will be seeded and strawed prior to the onset of winter. Cultivation waste will be composted on-site in a secure designated location on the southeastern quadrant of the parcel (Appendix A). Any cultivation waste that is not composted will be stored in the enclosed cannabis waste area adjacent to the composting area (Appendix A).

Mojo Mountain, LLC will apply best management practices including but not limited to:

1. Maintenance of roads.
2. Proper management of solid, liquid and cultivation waste (Section 3.8).
3. Cultivation facilities and spoil stockpiles will meet all required setbacks.
4. Irrigation and application of fertilizers will be performed at agronomic rates.
5. Regulated products will be stored within secondary containment (Section 3.7).

3.3. WATERSHED AND HABITAT PROTECTION

Adherence to the Site Management Plan (SMP) will ensure that the watershed and surrounding habitat are protected. Adherence to the SMP entails implementation of BPTC measures prescribed to ensure adequate drainage on the existing roads, revegetation of bare soils, secondary containment of all liquid fertilizers and petroleum products, and the upgrade of several stream crossings.

Linear sediment controls will be used during the stream crossing upgrades; the controls will be applied along the toe of the slope, face of the slope and at the grade breaks of exposed slopes to comply with sheet flow length restrictions. For slopes between 25-50%, sheet flow length shall not exceed 15-feet. For slopes greater than 50%, sheet flow length shall not exceed 10-feet. Thus, at each break in slope, toe of slope, or unbroken length of disturbed slope measuring 10-15-feet in length a linear sediment control must be used until vegetation is re-established such that sheet flow does not result in erosion or scour of bare soil.

The cultivation activities and associated structures will be outside of all riparian zones, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities will apply BPTC measures in accordance with the SWRCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

3.4. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of the implemented BPTC measures and determine if the site meets all standard conditions. All cannabis-related disturbances on the project site will be inspected for erosion and sediment transport. These areas will include locations where runoff drains towards surface water. Additionally, the inspection will document the progress of any BPTC measure subject to a time schedule, or in the process of being implemented. A monitoring plan addressing all cannabis-related disturbances on the project site is included in the SMP.

On-site monitoring shall occur:

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

An annual report will be submitted annually by March 1st via the State Water Resources Control Board's online portal. The annual report will include data from the monitoring reports attached to the Site Management Plan.

3.5. ENERGY AND GENERATOR USE

Mojo Mountain, LLC will limit the use of the generator to an as needed basis following all guidelines set up by Humboldt County and the State of California. A 6,500-Watt and 2,000-Watt Honda generators will be in operation from April to November for water pumps, lighting, general farm use,

and the drying cannabis. Generators will be stored inside the existing storage building. Secondary containment for spill prevention will be implemented.

3.6. USE AND STORAGE OF REGULATED PRODUCTS

3.6.1. FUEL STORAGE

Fuel containers stored on site are kept under cover and require secondary containment. A spill kit and safety kit will be kept for emergencies such as cleanup for small spills.

3.6.2. BEST PRACTICABLE TREATMENT OR CONTROL MEASURES

Best practicable treatment or control (BPTC) measures will be employed when storing, handling, mixing, applying and disposing of all fertilizers and pesticides. All nutrients and pesticides are stored in wildlife-proof sheds, enclosed within containers labeled in accordance with manufacturer's instructions. Application rates will be tracked and reported with the end of the year monitoring report required in the SMP. Employees responsible for application are trained to handle, mix, apply or dispose of fertilizers with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations.

3.6.3. FERTILIZERS

The applicant will use legal agricultural chemicals consistent with cannabis operations, including fertilizers, compost, pesticides, fungicides, and herbicides. Examples of fertilizers and pesticides used onsite include General Hydroponics 3 part base (FloraGro, FloraMicro, and FloraBloom), and Marrone Bio (Regalia, Venerate).

On-site inventory is kept for all chemicals. Agricultural are used and stored based on manufacturer's recommendations and requirements. Any materials required for use of chemicals will be provided to employees. The material safety data sheets (MSDS) are kept on site and accessible to employees.

Petroleum products, including gasoline, diesel, and lubricants, are currently kept on site in small quantities (e.g., 5-gallon containers) for use in small equipment (e.g., weed whacker). Petroleum products will be stored within the proposed buildings and will be kept in secondary containment. No hazardous waste is proposed to be generated onsite; all major equipment fuel changes will occur offsite at a licensed facility. A spill kit with sorbent pads will be accessible onsite in the event of a spill.

Cultivation, harvesting, and drying shall be performed by employees trained on each aspect of the procedure, including cultivation and harvesting techniques, the use of pruning tools, and proper application/storage of pesticides/ and fertilizers. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff. Mixing of fertilizers in small storage tanks is solely conducted in a designated area where the mix will not enter surface waters. For young plants, the mix is applied via watering wand and mature plants are fertigated at agronomic rates by drip emitters or hand watering methods. Spent soil is amended and reused as needed. The application of any agricultural chemical products will be conducted according the manufacturer's recommendation.

Employees are trained on usage and handling procedures of associated equipment and cleaning procedures. Chemicals and hazardous materials are only used with equipment as recommended by manufacturers. Cleaning will occur regularly with instructions based on the manufacturer's

recommendations. All cleaning materials will be put away and stored properly within secondary containment when not in use and hazardous containers will be properly disposed of.

All hazardous waste will be stored within secondary containment. Additionally, a log will be kept in order to keep the volume of hazardous waste accounted for. Fertilizers and pesticides are being stored in a separate location from petroleum products. The aforementioned products will be located within secondary containment in the proposed drying facilities. No rodenticides will be used on site. At the end of the season, any unused liquid products are stored in secondary containment and will be applied the following year. Before unused products are stored at the end of the season, an employee will take inventory on the volumes and products. Additionally, all waste will be properly disposed of off-site and the correct facility. All trash, empty product containers, and recycling are hauled off-site bi-weekly to nearest licensed waste management facility, Recology Eel River.

Appropriate BPTC measures are being utilized when storing, handling, mixing, applying, and disposing of all fertilizers, pesticides, herbicides, rodenticides, or any other hazardous materials. Each year an inventory is conducted prior to the beginning of the grow season and necessary products are delivered to the site as needed.

3.7. WASTE MANAGEMENT PLAN

3.7.1. SOLID WASTE MANAGEMENT

Trash and recycling will be stored in the wildlife-proof trash storage area adjacent to each cultivation area. Trash is placed in waterproof containers that can prevent storm water contamination and leachate from entering or percolating to receiving waters. Applicant will self-haul solid waste and recycling using a dump trailer at least once per week to the Humboldt Sanitation transfer station in Willow Creek.

Vegetation matter such as branches and leaves will be composted on site and any remaining green waste will be stored in the enclosed cannabis waste area and will be hauled off to the Humboldt Sanitation transfer station in Willow Creek as needed. Soil will be left in the raised beds and will be cover cropped during the winter season.

3.7.2. IRRIGATION RUNOFF MANAGEMENT

Mojo Mountain, LLC aims to irrigate at agronomic rates, using drip emitters. Refer to section 2.3 for a summary of irrigation practices. No evidence of water movement and erosion in the cultivation area was observed during the site assessment. Mojo Mountain, LLC will apply amendments and fertilizers per label specifications.

3.7.3. CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area on the southeastern quadrant of the subject parcel (Appendix A, Sheet SMP3). Spent potting soil is stored in the raised beds within the hoop houses and reamended each year. The soil containment area is lined to prevent any soil erosion or nutrient seepage. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

APPENDIX A: SITE PLAN



VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION

APPLICANT:
MOJO MOUNTAIN, LLC
P.O. BOX 1572
ASHEVILLE, NC 28802

OWNER:
707 REALTY, LLC
P.O. BOX 1572
ASHEVILLE, NC 28802

OWNER'S AGENT:
NORTHPOINT CONSULTING GROUP, INC.
1117 SANDA BLVD.
ARICA, CA 95521

SITE ADDRESS:
522-024-001
NEW 3 CREEKS RD.
WILLOW CREEK, CA 95573

WATER = PRIVATE
SEWER = PRIVATE

PROPERTY SIZE = ±320 ACRES

ZONING = TIMBER PRODUCTION ZONE (TPZ)

GENERAL PLAN DESIGNATION = TIMBERLAND (T)

BUILDING SETBACKS:

	TPZ	SRA
FRONT	20'	30'
SIDE	30'	30'
REAR	30'	30'

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

PROJECT DESCRIPTION:

MOJO MOUNTAIN, LLC IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MARIJUANA LAND USE ORDINANCE (CMUJO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 35,025 SQUARE FEET (SF) OF CANNABIS CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, FACILITIES FOR DRYING AND CURING OF CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

GENERAL NOTES

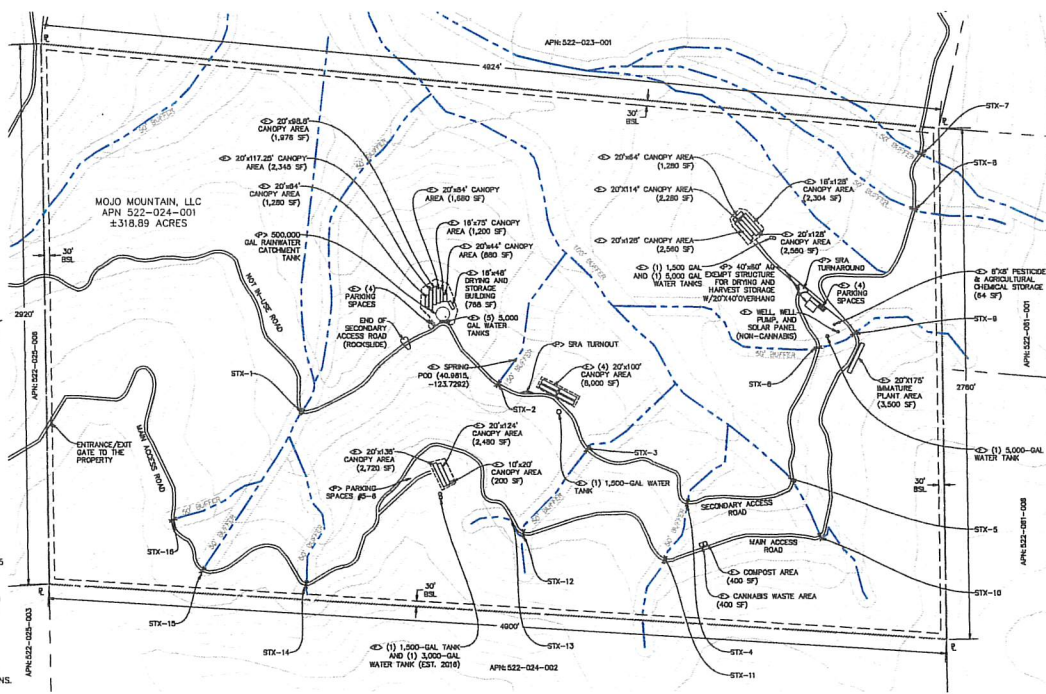
- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- GREENHOUSE STRUCTURES WERE ESTABLISHED PRIOR TO 2018.

DIRECTIONS TO SITE

FROM EUREKA, CA
-NORTHBOUND ON US-101
(APPROX. 7.2 MILES)
-TAKE EXIT 718A FOR CA-299E
-CONTINUE ONTO CA-299E
(APPROX. 29.3 MILES)
-TURN LEFT ONTO BURG ROAD
(APPROX. 5.2 MILES)
-TURN LEFT ONTO NEW THREE CREEKS ROAD
(APPROX. 4.1 MILES)
-TURN LEFT ON UNNAMED ROAD AND STAY RIGHT
(APPROX. 1.2 MILES TO SITE)

MOJO MOUNTAIN, LLC CONDITIONAL USE PERMIT

APN: 522-024-001



PLOT PLAN

22x34 SHEET: 1"=250'

11x17 SHEET: 1"=500'

0 125 250 500

NORTHPOINT
CONSULTING GROUP, INC.
1117 SANDA BLVD., ARICA, CA 95521

MOJO MOUNTAIN, LLC / APN: 522-024-001
NEW 3 CREEKS ROAD WILLOW CREEK, CA 95573
CUP PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

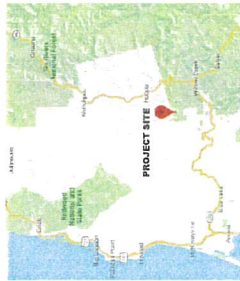
DATE: 10/06/21
BY: J.B. BROWN
SHEET: 1
20-100

APPENDIX B: REFERENCES

- California Code of Regulations. Health and Safety Code Section 11357-11362.9.
<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>>
- California Department of Fish and Wildlife. 2022. *California Natural Diversity Database (CNDDDB)*.
<https://map.dfg.ca.gov/rarefind/view/RareFind.aspx>.
- County of Humboldt. *Commercial Cannabis Land Use Ordinance (CCLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>>
- Google Earth. 2022. <https://www.google.com/earth/>.
- Humboldt County Planning and Building Department. 2018. *Ordinance No. 2599 – Commercial Cannabis Land Use Ordinance*. <https://humboldt.gov.org/DocumentCenter/View/63734/Ord-No-2599-CCLUO-inland-certified-copy-PDF>.
- Humboldt County. 2022. *Humboldt County Web GIS*. Available at:
<http://webgis.co.humboldt.ca.us/HCEGIS2.0/>.
- Humboldt County. *Streamside Management Area Ordinance*. Title 3: Land Use and Development; Division 1, Planning Zoning Regulations; Chapter 6 – General Provisions and Exceptions; Section 314-51.1.
- North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/.
- PRISM Climate Group. 2022. *Oregon State University*. <https://prism.oregonstate.edu/explorer/>.
- State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.
<<http://www.boe.ca.gov/news/pdf/173.pdf>>
- State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.
http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf
- State Water Resources Control Board. 2019. SWRCB Cannabis General Order No. 2019-0001 – General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. Available at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

DIRECTIONS TO SITE

- FROM EUREKA, CA
- NORTHBOUND ON US-101
- (APPROX. 7.2 MILES)
- TURN LEFT ON CA-299E
- (APPROX. 1.2 MILES)
- CONTINUE ONTO CA-299E
- (APPROX. 79.3 MILES)
- TURN LEFT ONTO BERG ROAD
- (APPROX. 5.2 MILES)
- TURN LEFT ONTO NEW THREE CREEKS ROAD
- (APPROX. 4.1 MILES)
- TURN LEFT ON UNNAMED ROAD AND STAY RIGHT
- (APPROX. 1.2 MILES TO SITE)



VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION

APPLICANT: MOJO MOUNTAIN, LLC
P.O. BOX 1572
ASHEVILLE, NC 28802

OWNER: 707 REALTY, LLC
P.O. BOX 1572
ASHEVILLE, NC 28802

OWNER'S AGENT: NORTHPOINT CONSULTING GROUP, INC.
1117 SAMOA BLVD
ARCATA, CA 95521

SITE ADDRESS: 522-024-001 RD
WILLOW CREEK, CA 95573

WATER = PRIVATE
SEWER = PRIVATE

PROPERTY SIZE = ± 320 ACRES

ZONING = TIMBER PRODUCTION ZONE (P-2)
GENERAL PLAN DESIGNATION = TIMBERLAND (T)

BUILDING SETBACKS:

TYPE	SRA
FRONT	20' 30'
SIDE	30' 30'
REAR	30' 30'

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

PROJECT DESCRIPTION:

MOJO MOUNTAIN, LLC IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S ORDINANCE (CMUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 35,025 SQUARE FEET OF CANNABIS CULTIVATION, THE SQUARE FEET OF CANNABIS CULTIVATION, THE FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, FACILITIES FOR DRYING AND CURING OF CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

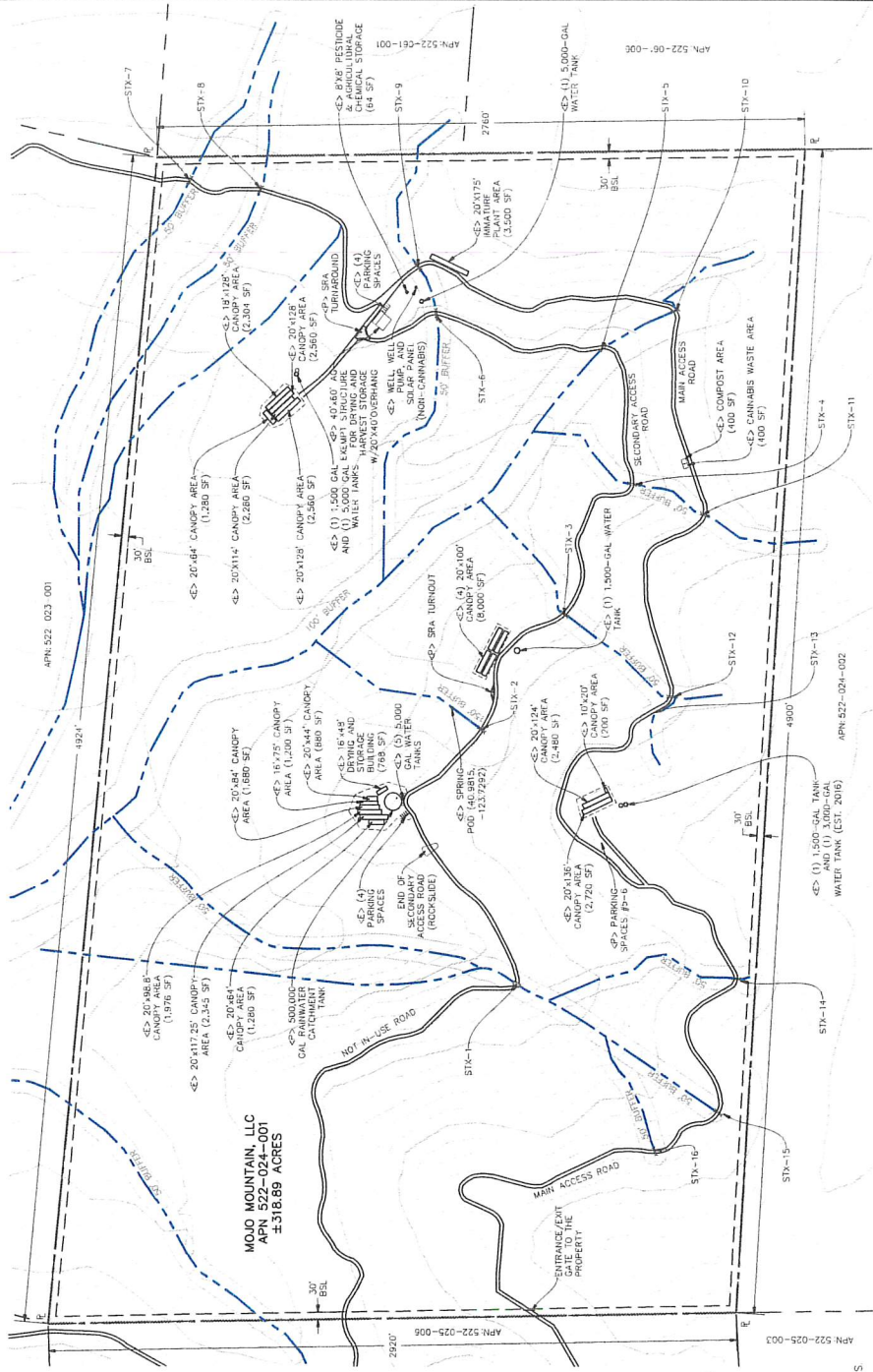
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- GREENHOUSE STRUCTURES WERE ESTABLISHED PRIOR TO 2018.

MOJO MOUNTAIN, LLC
CONDITIONAL USE PERMIT

APN: 522-024-001

APPROVED
OCT 19 2023
Humboldt County
PLANNING



PLOT PLAN

22x34 SHEET: 1"=250'
11x17 SHEET: 1"=500'



MOJO MOUNTAIN, LLC / APN: 522-024-001
NEW 3 CREEKS ROAD WILLOW CREEK, CA 95573
CUP PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

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

C0
SHEET
20-100