RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution Number: 24-078

Record Number: PLN-10854-CUP
Assessor's Parcel Numbers: 317-182-019-000 and 317-182-020-000

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

WHEREAS, Showers Pass Farms LLC provided an application and evidence in support of approving a Conditional Use and Special Permit for an existing 11,700 square foot outdoor commercial cannabis cultivation operation; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on November 7, 2024 and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

Project Description: A Conditional Use Permit for 12,200 square feet (SF) existing outdoor cannabis cultivation and includes a 1,400 SF of ancillary nursery and propagation space. A permitted well supplies cultivation water. Water storage of 9,000 gallons occurs in tanks. Annual water budget is approximately 93,000 gallons. Processing is proposed onsite but will utilize offsite processing until an appropriate facility is constructed. Power is provided by generators, the project is conditioned to transition to 100% renewable power by January 1, 2026, with generators reserved for emergencies only. The project includes a special permit for reduced setbacks to public lands.

EVIDENCE: a) Project File: PLN-10854-CUP

2. FINDING:

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

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous 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) The project is conditioned to demonstrate 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 Site Management Plan and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) The project is for pre-existing cultivation. The project is within .7 miles of two Northern Spotted Owl activity centers. HUM 982 is approximately 1,100 feet southwest of the southern-most cultivation sites, HUM 839 is approximately 1,800 feet east of the southern-most cultivation sites, and HUM 479 is approximately 2,380 feet north-northeast of the northern-most cultivation site. The applicant had a Northern Spotted Owl Impact Assessment prepared for the proposed project, Timberland Resource Consultants, June 2023, included as Attachment 41. The assessment concluded that the existing cannabis cultivation operation would be unlikely to have noise disturbance impacts to Northern Spotted Owls. The assessment acknowledges the potential disturbance associated with supplemental lighting. The assessment concludes that if all greenhouses with supplemental lighting are covered so that no light escapes 30 minutes prior to sunset and 30 minutes post sunrise the impacts to Northern Spotted Owls will be reduced below the level of significance. The project has been conditioned to ensure supplemental lighting associated with the nursery and mixed light cultivation adheres to Dark Sky Association standards

- e) A Road Evaluation Report concludes the route leading to the subject parcel can be developed to the equivalent of a category 4 road standard with the implementation of repair and remediation measures and does not have any evidence of a site-specific safety problems. The project is conditioned to implement repair and remediation measures through participation in Road Maintenance Association or to make a fair share contribution to road maintenance and repair measures.
- f) The project is conditioned to participate in the construction of a bridge over Showers Creek. The installation of the bridge will prevent impacts to water quality and aquatic species.
- g) The continued cultivation of commercial cannabis will not result in a timber conversion. The project is conditioned to restock .56 acres of post 2016 timber conversion.
- h) Consultation with the Bear River Band of the Rohnerville Rancheria resulted in a request for the standard inadvertent discovery protocol as a condition of approval. As conditioned the project is unlikely to impact tribal cultural resources.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING:

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

EVIDENCE:

- a) General agriculture is a use type permitted in the Agricultural Grazing (AG) 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 Unclassified (U) zone in which the site is located.

EVIDENCE:

a) The Unclassified (U) zone is intended to be applied to areas of the County where the highest and best use of the property has yet to be determined.

- b) All accessory agricultural uses are principally permitted in the U zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis cultivation and up to 22,000 square feet of existing mixed-light commercial cannabis on a U zoned 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 12,200 square feet of existing cultivation on a 20-acre parcel is consistent with this and with the cultivation area verification prepared conducted by staff.
- d) All cultivation is at least 30 feet from all property lines and there are no public parks, churches, school bus stops or other sensitive receptors within 600 feet of the cultivation areas.

5. FINDING:

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

EVIDENCE:

- The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
- b) Parcel legally created through deed conveyance Volume 1055 of Official Records 638, August 7, 1970.
- c) The project will obtain water from a permitted groundwater well, an eligible water source.
- d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic with specified maintenance and repair procedures.
- e) The slope of the land where existing cannabis will be cultivated is 0% to 15% and 15% to 30 % on existing flats. No new grading will occur.
- f) The continued 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:

The continued cultivation of 12,200 square feet of existing 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.
- Irrigation water will come from a permitted groundwater well, eligible water sources.
- d) Provisions have been made in the applicant's proposal and conditions added to the project to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING:

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

EVIDENCE:

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

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 in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 75 permits and the total approved acres would be approximately 27.51 acres of cultivation.

9. FINDING:

The use of the well for irrigation purposes will not have any adverse impacts on any public trust resources.

EVIDENCE:

a) The project is in the Mad River Watershed; the project is .75 miles south of the river. There are no watercourses on the parcel; the land slopes down towards the river but does not include any diversions or collection of surface waters. The Mad River provides recreational opportunities for swimming, boating, and fishing. The river also provides domestic and industrial water to much of the Humboldt Bay Region. The Mad River has been heavily modified and managed to provide community water. Ruth Lake Dam was put in place to meter water flow for downstream community use. Prior to the creation of dams on the Mad River, the river would effectively dry up in the summer months. The project utilized a well for water. The well is unlikely to be connected to surface water resources and will therefore be unlikely to impact public trust resources on the Mad River. The project has no impact on flows during the dry season because the bedrock well is not hydrologically connected to surface water resources and will not cause any significant adverse impact to the Mad River or otherwise substantially impair the public trust uses or values related to commerce, navigation, fisheries, public access, preservation of trust lands in their natural state, or water-relatedrecreation and other activities.

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 Showers Pass Farms LLC, subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on November 7, 2024.

The motion was made by COMMISSIONER <u>Sarah West</u> and second by COMMISSIONER <u>Lorna</u> McFarlane and the following Roll Call vote:

AYES:

COMMISSIONERS:

Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriazi,

Peggy O'Neill, Lorna McFarlane, Sarah West

NOES:

COMMISSIONERS:

ABSENT:

COMMISSIONERS:

ABSTAIN:

COMMISSIONERS:

DECISION:

Motion carried 7/0

I, John H. 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 H. Ford, Director

Planning and Building Department

CONDITIONS OF APPROVAL

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

- A. Conditions subject to the compliance agreement must be satisfied before the provisional cannabis cultivation permit is no longer considered provisional. This section also includes conditions that must be completed within specified time frames or completed prior to commencing cultivation.
- Within 60 days of the effective date of permit approval, the permittee shall execute a Compliance Agreement with the Humboldt County Planning and Building Department described under Conditions of Approval A5 through A9 and A13. All activities described in the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
- 2. Within 60 days of the effective date of permit approval, the Permittee shall install water meters at the well head, meters will be installed for domestic water, water supply for parcel 317-182-019 and 317-182-020-000 (project 11989). The permittee shall keep monthly records of water usage. The water meter records shall be made available to the Planning Department at each annual inspection or as requested by planning staff.
- 3. Within 60 days of the effective date of project approval, the permittee shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning and Building Department.
- 4. Within 60 days of the effective date of project approval, the permittee shall obtain a will serve letter from the Fire Protection District OR cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
- 5. Within 180 days of the effective date of permit approval the applicant shall provide evidence that a Road Maintenance Association for Stapp Road has been created. Within three years the RMA shall design and construct a permanent bridge crossing or crossings over Showers Creek and construct the Road Improvements specified in

- the road evaluation report prepared for this project. The applicant shall actively comply with the terms and requirements of the RMA.
- 6. A permanent bridge crossing shall be installed over the Showers Pass stream crossing of either the primary or secondary access route, and once installed no commercial cannabis traffic shall occur through any routes that require fording the creek. A permanent bridge shall be installed within three (3) years of the effective date of approval of this permit. A one (1) year extension beyond the three (3) years may be approved with Planning Director approval. The applicant and/or Road Maintenance Association shall submit notification to CDFW to obtain an LSAA from CDFW for the crossing (or crossings) within 90 days of the effective date of approval of this permit.
- 7. The Permittee shall secure building permits for all structures and grading associated with the cannabis cultivation project. Permits or exemptions will be required for three sheds, a pond, and any significant grading that occurred to facilitate the cultivation operation.
- 8. The permittee shall restock .56 acres of post-2016 timber conversion as described in the **Attachment 4F** to the staff report.
- 9. The permittee shall add an additional 30,000 gallons of waters storage such that half of the total annual cultivation water budget may be stored on the parcel.
- 10. The permittee shall provide documentation to the Humboldt County Planning and Building Department demonstrating participation in Road Maintenance Associations for Stapp Road Maintenance Associations for shared roads shall adhere to and implement the recommendations included in the engineered road evaluations prepared for the project's access roads. If the applicant is unable to coordinate road improvements through the Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. Evidence of such payments shall be submitted to Humboldt County Planning and Building Department.
- 11. Within 90 days of project approval, the permittee shall submit revised site plan showing:
 - a. Location of .56-acre timber restocking area identified attachment4F to the staff report. If the restoration area overlaps with the cultivation area 1 identified on the site plan, the applicant will be required to reduce the cultivation area so that the reforestation can be completed.
 - b. Location of the 2,500-gallon fire suppression water tank.

- 12. No later than January 1, 2026, the permittee will develop and fully implement an alternative renewable energy (i.e., solar, wind, micro-hydro) plan for electricity serving the cannabis operation such that generator use may be reserved for emergency use only.
- 13. The permittee shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection to keep the permit valid.
- 14. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements as well as adding signing and building numbers and fuel modification standards.

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

- 1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the permittee and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground-stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99
- 2. Permittee must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or alternatively, permittee shall provide DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system not impairing groundwater or surface

- water resources. Until such time that this condition is satisfied, the permittee must use a portable toilet to support the cultivation operation.
- 3. The permittee shall adhere to the ongoing monitoring and maintenance protocols listed in the table of the Site Management Plan as amended.
- 4. After December 31, 2025, generators shall be used for emergency purposes only.
- 5. 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.
- 6. All artificial lighting shall be fully contained within propagation structures such that no light escapes (e.g., through blackout tarps). 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 3,000 kelvins or less and 3) only placed where needed.
- 7. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.7 and B.8, within ten (10) working days of receiving written notification that a complaint has been filed, the permittee shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
- 8. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any 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.

- 9. All refuse shall be contained in wildlife proof storage containers, always, and disposed of at an authorized waste management facility. This includes plastic irrigation lines when not in use during the growing season.
- 10. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
- 11. The use of anticoagulant rodenticide is prohibited.
- 12. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, 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.
- 13. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
- 14. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
- 15. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
- 16. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
- 17. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial

cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

- 18. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
- 19. Comply with the terms of 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.
- 20. 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).
- 21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
- 22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
- 23. 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.
- 24. The master logbooks maintained by the permittee to track production and sales shall be maintained for inspection by the County.
- 25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
- 26. The permittee is not allowed to utilize stringed lighting in the outdoor cultivation greenhouses, and this must be demonstrated through a site inspection.
- 27. The permittee shall have a dedicated fire suppression tank with a minimum of 2,500-gallon capacity. The designated fire suppression tank shall have the appropriate pipe

size and valving requirements for such structures according to the Humboldt County Fire Safe Regulations Ordinance No. 2540 (Humboldt County, 2015) and shall meet minimum CalFire SRA requirements.

Performance Standards for Cultivation and Processing Operations

- 28. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
- 29. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
- 30. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.

- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
- 31. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
- 32. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. 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.
- 33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that

the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

- 34. <u>Permit Renewals to Comply with Updated Laws and Regulations</u>. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
- 35. 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 if environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
- 36. <u>Transfers</u>. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
- 37. <u>Inspections</u>. 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. Per Section 1273.03 of State Fire Safe Regulations: (a) At no point shall the grade for all roads and driveways exceed 16 percent; (b) The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect.
- 2. The permittee 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 permittee to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the permittee. Approval of this permit does not authorize transportation of cannabis across Federal lands.



Site Plan Overview and Cultivation and Operations Plan

Applicant: Edward Cox

Address: 3225 Freese Ave. Eureka, CA 95503

APN: 317-182-019



Agent

Dante Hamm

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McKinleyville, CA 95519

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I. Site Plan Overview

1.0 Project Information

Edward Cox ("Applicant") is submitting this application for a Type 3 Conditional Use Permit for 12,200 square feet of existing Outdoor Commercial cannabis cultivation on a 20-acre parcel, located in Bridgeville, CA, Assessor's Parcel Number ("APN") 317-182-019.

This application is submitted through his agent, Dante Hamm of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Type 3 Conditional Use Permit would achieve the following results for the Applicant:

- a. Permit 12,200 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO and
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("CDFW").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Bridgeville, CA. The Parcel is comprised of 20-acres and is identified by Assessor's Parcel Number 317-182-019.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is U with a Current General Plan of AG. The CMMLUO permits existing Outdoor commercial cannabis cultivation on land zoned as U with cultivation sites between 10,000 square feet and 43,560 square feet with a Type 3 Conditional Use.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following information is taken from Exhibit "A" of the recorded Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

EXHIBIT "A"

Legal Description

For APN/Parcel ID(s): 317-182-019 and 317-182-020

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

TRACT A:

The North Half of the Northeast Quarter of the Southwest Quarter of Section 35, Township 3 North, Range 4 East, Humboldt Meridian.

TRACT B:

PARCEL ONE:

The East Half of the Northwest Quarter of Section 35, Township 3 North, Range 4 East, Humboldt Meridian.

Said land being Parcel 1 as shown on Parcel Map No. 977 filed in the office of the Humboldt County Recorder in Book 8 of Parcel Maps, Page 115

PARCEL TWO:

Easements to construct, reconstruct, maintain and use a private road 50 feet in width as set forth in Exchange of Road

Easements executed by Sierra Pacific Holding Company, R.H. Emmerson and Son, LLC, Arkiey Family Trust and Androm-Ryedal Company Inc., recorded June 16, 1999, as Document No. 1999-17539-7, Humboldt County Official Records.

PARCEL THREE:

Easement for ingress and egress over the route commonly known as Stapp Road, as set forth in Stipulated Judgment Re: Stapp Road Access, Humboldt County Superior Court Case No. 77289, a certified copy of which was recorded August 20, 1990, as Document No. 1990-19730-2, Humboldt County Official Records.

PARCEL FOUR:

A non-exclusive easement for ingress and egress for recreational and residential purposes over and across the existing road which begins on the south line of the Northeast Quarter of the Northwest Quarter of Section 34, Township 3 North, Range 4 East, Humboldt Meridian and runs in a general northerly direction to a point on the east line of the Southeast Quarter of the Southwest Quarter of Section 27, Township 3 North, Range 4 East, Humboldt Meridian.

Being the same as granted in the deed from Glenda D. Stapp, trustee recorded August 28, 2013 as Instrument No. 2013-20135-3, Humboldt County Official Records. Said road strip being more particularly shown on Exhibit B attached to said deed.

PARCEL FIVE:

A non-exclusive easement for ingress and egress for all legal purposes over and across the existing road running through the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 26 and through the North Half of the Northeast Quarter of Section 35, Township 3 North, Range 4 East, Humboldt Meridian. And also the right to construct a new road running southerly from the existing road in said Southeast Quarter of the Southwest Quarter of Section 26.

4.0 Natural Waterways

There are no natural water courses on this property.

5.0 Location and Area of Existing Cultivation

The 12,200 square feet of outdoor cannabis cultivation occurs in two (2) general areas on the parcel.

Outdoor Cultivation

CA#1

CA#1 is an irregularly shaped cultivation area that consists of 9,000 ft² of full-sun (outdoor) cultivation area.

GH#1/#2

GH #1 and #2 are 80'x20' (1,600 ft² each) greenhouses totaling 3,200 ft² of light depravation (outdoor) canopy area.

6.0 Setbacks of Cultivation Area

All cultivation is set back from any point at the parcel boundary by 100 ft or more.

7.0 Access Roads

The Parcel is located off of Stapp Road which is maintained by the County of Humboldt's Public Works Department.

8.0 Graded Flats

There may be graded flat that would require permitting through the Planning and Building Department.

9.0 Existing Buildings

Multi-Use Building

The Multi-Use building is an existing 35'x45', it was constructed sometime in the 1970s. The building is used for harvest storage, drying, and propagation.

Generator Shed

The Generator Shed is an existing 16'x16', it was constructed sometime in the 1970s. It is used for to store a 7.5KW generator, generator fuel, and nutrients.

10.0 Water Source, Storage, Irrigation Plan and Projected Water Usage

10.1 Water Source

The Applicants source of water is a permitted ground water well. A 1600 notification has been submitted to CDFW. In the Applicants 1600 the permitted well was disclosed and

identified as the Applicants sole source of irrigation for cannabis. Once the department has issued a Final LSAA, a copy will be provided to your office.

10.2 Water Storage

- One (1) 5,000-gallon HDPE tank.
- Two (2) 2,500-gallon HDPE tank.
- One (1) 1,500-gallon HDPE tank.

10.3 Irrigation Plan

The Applicant uses a combination of hand watering and a drip system for irrigation.

10.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months.

Table 1. Annual water uses on the parcel.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
Well	Domestic	Apr. 1	Nov. 1		40,000
Well	Cannabis	Apr. 1	Nov. 1		81,200

11.0 Irrigation Runoff, Erosion Control Measures and Watershed Protection

The following information was taken directly from the applicants SMP. Map points identified are referencing the maps provided in the Applicants SMP.

Erosion Control Measures/Irrigation Runoff/ Watershed Protection

The disturbed areas consist of the cultivation areas as shown on the Disturbed Area map. A portion of the disturbed area surrounding CA3 was found to be within the riparian setback of a Class III watercourse. The area was considered disturbed, because it was showing signs of rill erosion which led to the heavily vegetated bank of a Class III watercourse (MP7). The graded flat which CA3 resides on shall have adequate drainage and erosion control features installed prior to the wet season to prevent increased erosion and promote stability. At MP4 an approximately 1,500 ft2 portion of fill slope for CA3 was observed to be cracking and actively slumping. It's believed that the instability originates from poor drainage during the winter and not from over irrigating cannabis. Adequate drainage features shall be installed to de-water the flat and erosion control features shall be installed to promote slope stability. A more in-depth analysis and solutions to erosion control and drainage features will be discussed in the required "Disturbed Area Stabilization Plan" and "Site Erosion and Sediment Control Plan". At MP6 a shower was observed to be located within the riparian setback of a Class III watercourse. The shower shall be relocated to a stable area outside of riparian setbacks. The landowner is advised to create a retention basin, bioswale or French drain to capture shower water and prevent erosion.

^{*}Total=9,000 gallons

12.0 Distances from Significant Landmarks

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Materials Storage

Pesticide/Fertilizer Storage

(The following information was taken directly form the Applicants SMP)

All fertilizers and pesticides are kept in the multi-use building on APN: 317-182-019 and in a covered structure near CA3 on APN: 317-182-020. All pesticides and fertilizers are equipped with secondary containment and are mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers and pesticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers and pesticides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in separate secondary containment. During the off season all chemicals will be stored in a covered building with secondary containment. Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-inches. Disposal of unused products will be consistent with labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the multi-use building. No restricted materials or pesticides will be used or stored on site. Based on the permitted cannabis cultivation area of 45,434 ft² the cultivator currently uses 297.2 pounds of nitrogen per acre per year. No greater than 319 pounds of nitrogen per acre per year shall be applied. A summary of fertilizers and pesticides used annually are listed below in Table 5.

Table 5. Overview of annual chemical use.

Product Name	Chemical Type	N-P-K or Active Ingredient	Annual Use (lbs. or gallons)
Stutzman Chicken		10.00	10,000 lbs
<u>Manure</u>	<u>Fertilizer</u>	<u>3-2-2</u>	10,000 105
Canna Coco A	<u>Fertilizer</u>	<u>4-0-1</u>	<u>20 gal</u>
Canna Coco B	<u>Fertilizer</u>	<u>1-4-2</u>	<u>20 gal</u>
Di at The	Desatistists	<u>Essential</u>	2 gal
Plant Therapy	<u>Pesticide</u>	<u>Oils</u>	

Petroleum Product Storage

(The following information was taken directly form the Applicants SMP)

The site is not grid tied and uses generators as its primary source of power. Generators and their associated fuel canisters were observed to be stored with adequate secondary containment, in a covered structure and outside of riparian setbacks. Generators are kept in the generator shed (see Site Overview map). At all times the generators will need to be stored with adequate secondary drip containment outside of riparian setbacks and in stable areas. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building. A summary of annual petroleum is listed below in Table 6.

Table 6. Overview annual petroleum usage.

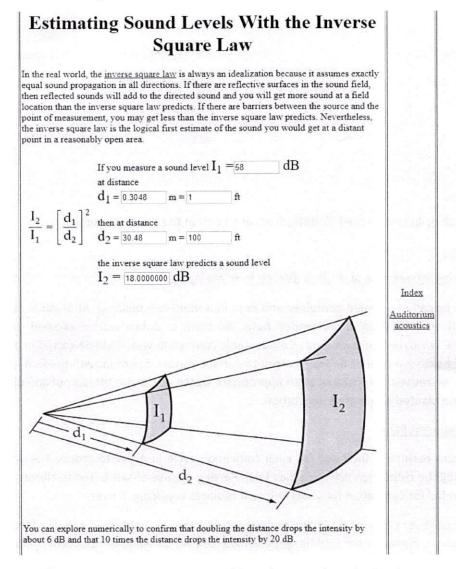
Product	Chemical Type	Annual Use (lbs. or gallons)
Gasoline	Petroleum	150 gallons
Motor Oil	Petroleum	4 gallons

Generator Specification

Honda EU 7KW:

Engine	Honda GX390 EFI
Displacement	389cc
AC Output	120/240V 7000W max. (58.3/29.1A) 5500W rated (45.8/22.9A)
Receptacles	20A 125V GFCI Duplex (2), 30A 125V Locking Plug, 30A 125/250V Locking Plug
DC Output	N/A
Starting System	Recoil, electric
Fuel Tank Capacity	5.1 gal.
Run Time per Tankful	6.5 hrs.@ rated load, 18.0 hrs. @ 1/4 load
Dimensions (L x W x H)	33.4" x 27.6" x 28.4"
Noise Level	58 dB(A) @ rated load, 52 dB(A) @ 1/4 load
Dry Weight	261 lbs.
Residential Warranty	3 Years
Commercial Warranty	3 Years

Decibel Reading:



http://hyperphysics.phy-astr.gsu.edu/hbase/Acoustic/isprob2.html

Honda EU 2.2KW:

Full model name	EU2200ITA
Engine	Honda GXR120
Displacement	121cc
AC Output	120V 2200W max. (18.3A), 1800W rated (15A)
Receptacles	20A 125V Duplex
DC Output	12V, 100W (8.3A)

Starting System	Recoil
Fuel Tank Capacity	.95 gal
Run Time per Tankful	3.2hr @ rated load 8.1 hrs @ 1/4 load
Dimensions (L x W x H)	20.0" x 11.4" x 16.7"
Noise Level	57 dB(A) @ rated load 48 dB(A) @ 1/4 load specLink.Display
Dry Weight	46.5 lb.
Residential Warranty	3 Years
Commercial Warranty	3 Years

Decibel reading will not exceed 50 dB(A) from any point at the parcel boundary.

Trash/Refuse

(The following information was taken directly form the Applicants SMP)

All trash is placed in a sealed container and kept in a multi-use building. All trash is taken to a landfill/transfer station on an as needed basis. No trash or debris will be allowed to enter a watercourse or riparian setback area. Compostable cultivation waste will be stored in a location and manner where it cannot be transported to surface waters. Spent growth medium (e.g. soil) shall either be reused, disposed of at an appropriate waste site, or be spread outside of riparian setbacks and planted with native vegetation.

Soils Management Plan

The Applicant reamends their soil for each cultivation cycle in order to reduce the amount of imported soil the cultivation activities may take. Barring the use of salt-based fertilizers, soil may be re-amended for cultivation for years before it requires replacing, if ever.

Should the soil ever be found no longer viable for cultivation, it is removed and disposed of at an approved waste management facilities green waste center. Should the Applicant utilize a green waste center, they will obtain a receipt and store it within their records.

Sanitation Facilities

The Applicant has an unpermitted septic attached to Cabin #1. This septic will either need to be decommissioned or permitted with the department of environmental health within two years of the Applicant receiving their CUP. Until the existing septic can be permitted or a new one designed, permitted and installed, the Applicant will provide all those working on the property with serviceable portable toilets.

2.0 Cultivation Activities

The Applicant propagates on site within the Multi-Use Building.

The Applicants cultivation schedule may vary due the climate, strain, and Applicants personal schedule.

Cultivation Schedule

The light depravation and mixed light cultivation schedule are as follows:

1st Run

March-April: Veg April-July: Flower July: Harvest

2nd Run

July-August: Veg

August-November: Flower

November: Harvest

The Applicant anticipates one annual harvest from their full-term (outdoor) cultivation the cultivation schedule is as follows.

May-June: Veg

June-October: Flower November: Harvest

Employee Safety Practices

The Applicant anticipates using 2-3 seasonal employees.

All those working on the property will be instructed in safe and proper techniques for performing any duties pretraining to cultivation. This includes the utilization of personal protective equipment and proper use of tools and necessary instruments required for the performance of one's duties. Personal protective equipment shall be provided for all employees and/or independent contractors via the proponent as well as having ample personal protective equipment in stock and onsite. Clean and safe drinking water will be in the form of filtered spring water. For the safety of the public and employees working while intoxicated will not be tolerated. All Employee and/or independent contractors shall be made aware of the following.

- I. Location of fire extinguishers and the "P.A.S.S" technique.
- II. List of operations manager contacts;
- III. List of emergency control contacts;
- IV. List of poison control contacts;
- V. Location of first aid kit;
- VI. Location of Restroom and hand washing stations;
- VII. Location of clean drinking water and;
- VIII. Location of Personal protective equipment.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed.

International Dark Sky Standards

Please note greenhouses will not contain Artificial lighting. The Applicant will ensure they abide by the international dark sky standards

Humboldt County Code 314-43.1.3.2

The Greenhouses do not have foundation or developed pathways within the greenhouses and are compliant with HCC 314-43.1.3.2

3.0 Processing Practices

Until the Applicant can permit an appropriate structure, the Applicant will utilize an offsite licensed third-party processor.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

4.0 Security Measures

The access to the parcel is gated and locked. There are game cameras placed over the gate, buildings and cultivation areas.



APPROVED

By Andrew Whitney at 9:05 am, Oct 07, 2024

VICINITY MAP



IMAGE SOURCE: ESRI 2018

PROJECT DIRECTIONS FROM: EUREKA, CA

- TAKE US-101 5 (17.9 MI)
- TAKE EXIT 685 FOR CA-36 E (0.3 MI)
- TURN LEFT ONTO CA-36 E (23.8 MI)
- . FOLLOW KNEELAND RD AND SHOWERS PASS RD TO STAPP RD (0.2 MI)
- TURN LEFT ONTO KNEELAND RD (7.3 MI)
- . TURN LEFT TO STAY ON KNEELAND RD (4.2 MI)
- TURN RIGHT ONTO SHOWERS PASS RD 4.4 MI
- . TURN RIGHT TO STAY ON SHOWERS PASS RD (1.0 MI)
- SHARP RIGHT ONTO STAPP RD (2.6 MI)
 TURN LEFT TO STAY ON STAPP RD

TRAVEL TIME

APPROXIMATELY: 2H 6 MIN (62.8 MI)

SHEET INDEX CP-COVER PAGE

C1-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.5993, -123.6972 APN: 317-182-019 APPLICANT: EDWARD COX II

PARCEL SIZE: ± 23.61 ACRES ZONING: AG

APPLICATION TYPE

COASTAL ZONE: N 100 YEAR FLOOD: N

AGENT:

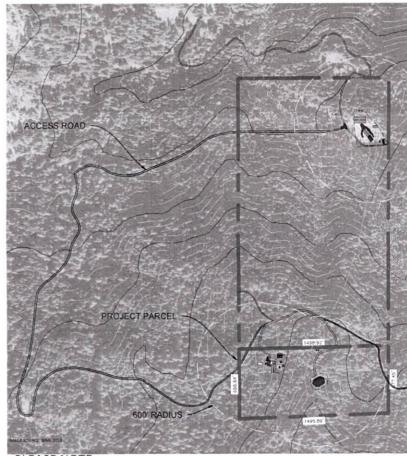
KAYLIE SAXON GREEN ROAD CONSULTING INC 1650 CENTRAL AVE. SUITE C MCKINLEYVILLE, CA 95519 707-630-5041

PROPERTY LINES, DISTANCES, AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD

EDWARD COX II

APN: 317-182-019

AERIAL MAP



PLEASE NOTE:

ROADS SHOWN ON MAP ARE NOT PUBLIC ROADS. THE APPLICANT HAS A DEEDED RIGHT TO USE THE ACCESS ROAD SHOWN ON MAP ABOVE.







DATE DRAFTER SCALE SHEET CP

11/14/19